



# **Audit of Safeguarding Arrangements in the Catholic Church in Ireland Volume 1 Dioceses Report**

**July 2012**

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## FOREWORD

The sexual abuse of a child by a trusted adult is a traumatic event for the child and can have catastrophic effects on the life experiences and life chances of the child as he or she progresses into adulthood. This is now widely understood and accepted.

What is less clearly understood is the impact that the disclosure of abuse has on the organisation to which the adult belongs. In many cases there is shock and disbelief; an unwillingness to accept the facts, leading in turn to inertia of action and subsequent mismanagement of the situation. It was concerns in relation to possible mismanagement of disclosures of abuse that led to the Government asking the Health Service Executive to conduct an audit of the arrangements for safeguarding children in the Catholic Church in Ireland. The Audit process has been protracted and a number of obstacles, which are detailed within this report, had to be overcome before a comprehensive report on the overall state of safeguarding children within the Church Dioceses could be produced.

The delay has not been without its benefits in that in making assessment of the safeguarding arrangements we can now the Standards and Guidance Document for the Catholic Church in Ireland issued by the National Board for Safeguarding Children in the Catholic Church in February 2009. This document is now the first and key point of reference for all those with responsibility for implementing the Church's safeguarding policy and procedures. The document enables everyone in the Church to reach a uniform standard of best practice in safeguarding.

In this report, the achievement of each diocese in the application of the standards up to November 2011 is analysed as is the information on allegations and information about accused priests as supplied by dioceses in response to audit questionnaires. It is clear that dioceses are at different stages of development but are progressing positively. The analysis of the position in each diocese will facilitate the further development that is needed to achieve the goal that is set out in the Safeguarding document issued by the National Board. It is to this area of activity that any available resources should be targeted.

It is crucial that all Church activities are entirely compliant with Children First as re-issued July 2011. It is welcome that the church re-affirmed its commitment to put children first and to do so unequivocally to counter the evidence and belief that child protection was not always seen as the top priority.

This audit and the co-operation of the Church can be of great significance in the journey towards truth and reconciliation. The Church will be further assisted as it publishes the National Safeguarding Board audit reports on a diocese by diocese basis.

Society needs to put the protection of children above all other considerations. Only then can the distressing betrayals of trust belong completely in the past.

**Gordon Jeyes,  
National Director,  
Children and Family Services,  
Health Service Executive**

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Mr. Mike Corcoran, National Specialist, Quality Assurance HSE Children & Families, was director of the project. In earlier phases the Church Audit project was led by the former national specialist for child protection, Mr. John Smyth and by assistant national directors Mr. Séamus Mannion (now retired) and Mr. Phil Garland.

The former HSE Child care managers nationwide have provided valued analysis and assistance at various stages since the inception of the Church audit through both their liaison with bishops and the cross-referencing of allegations information provided by dioceses.

Independent advice was also received from experts in the following fields: Dr. Jim Jamison provided expertise and advice in the area of statistical analysis and counsel to the Church Audit was Mr. Conor Dignam BL. Solicitor to the report was Ms. Tara Downes of HSE Legal Services.

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## **PART ONE**

### **Background & Church and State Guidance**

## 1. BACKGROUND

The Minister for Health & Children formally established the Ferns Inquiry on 28<sup>th</sup> March 2003 on foot of a recommendation contained in a preliminary report into the Roman Catholic diocese of Ferns in August 2002. The terms of reference of the Ferns Inquiry included a requirement to identify what complaints or allegations of child sexual abuse had been made against clergy operating under the aegis of the diocese of Ferns and the adequacy and appropriateness of responses by Church and State authorities. The final report of the Ferns Inquiry (generally referred to in this report as *The Ferns Report*) was delivered to the Minister for Health & Children in October 2005.

Twenty legal, regulatory and general recommendations made in the Ferns Report were accepted by the Government and the report was published on 25<sup>th</sup> October, 2005.

### Chronology of Events

On 26<sup>th</sup> October 2005 the then Minister for Children, Mr. Brian Lenihan T.D., wrote to the Health Service Executive (HSE) (Appendix 1) requesting:

“that the HSE make contact with the individual Bishops as a matter of urgency to commence an audit of child protection practices and compliance with the [Ferns] report’s recommendations”.

The Minister also requested that:

“The inter-agency review group which has worked so effectively in the Diocese of Ferns for the past few years should be introduced in all areas. This group would comprise the Diocese, An Garda Síochána and the HSE and every suspicion or allegation of clerical child sexual abuse would be brought to the attention of the group”.

In this regard, the Minister requested that:

“The HSE would undertake to convene the meetings of the Inter-agency Review Group and to record and maintain its records”.

On foot of the Minister’s aforementioned correspondence, the HSE wrote to bishops of Catholic Church dioceses in Ireland on the 7<sup>th</sup> November 2005 (Appendix 2) advising that the HSE had been asked by Government to liaise with each individual bishop on the implementation of the recommendations contained in the Ferns Report and to arrange an audit of current child care practices. This letter advised that organisational arrangements would be put in place to liaise with each diocese to facilitate the audit. Each bishop was requested to confirm:

- the child protection practices being followed by each diocese at that time;



- 
- that the diocese would be complying with the recommendations made in the Ferns Report;
  - any steps that had been taken to date to implement the recommendations of the Ferns Report;
  - the availability of each bishop to liaise with the HSE on advancing matters.

On the 9<sup>th</sup> of November 2005, the Minister for Children wrote to the HSE (Appendix 3) advising that the Government had set up a statutory Commission of Investigation chaired by Judge Yvonne Murphy into *“the handling of child sexual abuse cases by the Dublin Archdiocese”* (generally referred to in this report as *the Commission of Investigation*) and a copy of the terms of reference for the commission were enclosed. In this letter the Minister drew an express link between two of the terms of reference of the Commission of Investigation with his earlier correspondence to the HSE in which he requested it to conduct an audit of Catholic Church dioceses. The terms of reference in question were:

*“7. To examine, following a notification from the Minister for Health and Children that a Catholic Church diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the report of the Irish Catholic Bishops’ Advisory Committee on Child Sexual Abuse by Priests and Religious, Child Sexual Abuse: Framework for a Church Response (1996) and any subsequent similar document, the position in that diocese.*

*8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report delivered to the Minister for Health and Children on 25<sup>th</sup> October, 2005, the position in that diocese. ”*

Therefore, the audit report that would be delivered by the HSE to the Minister for Children would assist in informing the Minister as to whether it would be necessary to refer a diocese to the Commission of Investigation. Furthermore, the terms of reference of the Commission of Investigation, as outlined in the Minister’s letter, made clear that the Commission was concerned with Catholic Church dioceses in the State, the corollary of which was that the audit to be conducted by the HSE concerned only those dioceses with a presence in the Irish State.

At a meeting between the HSE and Office of the Minister for Children on the 24<sup>th</sup> November, 2005 the audit was addressed. Discussions ensued on arrangements to audit Church practices against the Church guidance of the time, *“Child Sexual Abuse - Framework for a Church Response”* (generally referred to in this report as *The Framework document*), shortly to be replaced by *“Our Children, Our Church - Child Protection Policies and*

*Procedures for the Catholic Church in Ireland*” (generally referred to in this report as *Our Children Our Church*). It was agreed that there should be a single national approach to the audit and that the HSE would examine the scope of the audit and determine procedures to ensure a common approach. At that meeting it was confirmed that were the HSE to establish non-compliance by a diocese with the Church’s child protection guidelines or with the Ferns Report recommendations, this may trigger referral of that diocese by the Minister to the Commission of Investigation.

Over the course of the following weeks the HSE put organisational structures in place to facilitate the audit and to address both the Minister’s request and the recommendations of the Ferns Report that pertained to the HSE:

- Child care managers were designated to each diocese to liaise at a local level with bishops in relation to the audit.
- A Ferns Governance Group was established within the HSE to address all recommendations of the Ferns Report that required actions on the part of the HSE.
- A National Inter-agency Committee comprising the HSE, Church representatives and An Garda Síochána was established to look at establishing local Inter Agency Review Committees as recommended by the Ferns Report.

Under the auspices of the Ferns Governance Group, meetings with child care managers were convened to discuss the draft terms of reference of Inter-agency Review Committees and the approach to the audit. An audit sub-committee of child care managers was established to examine all issues relating to the audit and to draft proposals on the approach to the audit, in particular the format and content of an audit questionnaire. The audit sub-committee proposed an approach to the audit whereby a questionnaire would be circulated to all dioceses with a view to eliciting information and facilitating a subsequent national analysis. The interpretation by the HSE of the spirit and intention of the Minister’s initial letter to the HSE, whereby it was asked to liaise with individual bishops, was that the word “*audit*” was not intended to imply the more common usage of the word in accountancy circles, or an onsite examination of Church files. Rather, it appeared that what was envisaged was that the HSE would liaise with dioceses to ascertain the current position in relation to the implementation of the Church’s own child protection policies and procedures and the handling of allegations of child sexual abuse by all dioceses in the State.

This draft audit questionnaire was further examined over a series of meetings by the Ferns Governance Group and was submitted to the Office of the Minister for Children and Youth Affairs (OMCYA) for confirmation that it satisfied the Minister’s original request. The feedback of the OMCYA was considered and incorporated into a final questionnaire which

was circulated to all dioceses and generally referred to in this report as *Audit Questionnaire Appendix A* (Appendix 4).

Audit Questionnaire Appendix A sought information on child protection policies and procedures, training for diocesan personnel, child protection personnel structures and vetting of diocesan personnel. Section five thereof sought detailed numerical information on complaints and allegations of child sexual abuse made against members of the clergy. Statistics on all allegations received by dioceses were to be included, whether they had or had not been brought to the attention of the authorities. The objective of this section was to examine how allegations of child sexual abuse had been handled by dioceses and therefore ascertain the extent to which all dioceses had complied with the Ferns Report recommendations in this regard.

During the period of the formation of Audit Questionnaire Appendix A, a number of meetings of the National Inter Agency Committee which were chaired by the HSE were held. At a later stage, representatives from the OMCYA joined this committee. The purpose of the meetings initially was to advance the formation of Inter-agency Review Committees as recommended by the Ferns Report. However, as subsequently requested by the Minister, an additional objective of the meetings was to engage with Church representatives to ensure that the audit process was clearly understood by them.

Church representatives on the National Inter-agency Committee were invited to comment on the methodology of the audit as distinct from the content of Audit Questionnaire Appendix A, which was a matter solely for the HSE. In this regard, Church representatives proposed a commencement date of 1997 as the Framework document was launched in 1996. However, as the Commission of Investigation to which this audit was inextricably linked had a starting date of 1975, the OMCYA's advice was sought in relation to an indicative timeframe for the audit. The OMCYA advised that there would be no starting date for this audit.

Church representatives also sought, in relation to allegations of child sexual abuse, that the basis for reporting to the HSE should be *"reasonable grounds for concern a propos Children First"*. In Minister Lenihan's correspondence with Archbishop Brady, the Minister referred to the Framework document and the reporting policy therein which stated: *"in all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious the matter should be reported to the civil authorities"*. Ultimately it was decided that the *"Children First - National Guidelines for the Protection and Welfare of Children"* (generally referred to in this report as *Children First*) benchmark would be used. This laterally was considered unreasonable by some dioceses as the audit progressed as it was felt that records from the period pre-1996 were sparse and not written in an evidential manner as laterally required by the various church safeguarding standards. In addition as some diocese were in receipt of retrospective allegations of abuse it was felt it would unjustly bias any statistical analysis applied within the audit.

Church representatives also raised concerns in relation to confidentiality in terms of the Inter-agency Review Committees. Both the HSE and the OMCYA sought separate legal advice in this regard.

By March 2006, designated child care managers had contacted dioceses, pending the receipt of legal advice on issues surrounding Inter-agency Review Committee structures, as proposed by the Ferns Report.

In June 2006 the HSE wrote to the Minister for Children & Youth Affairs to update him on the progress made by the HSE in relation to the implementation of the Ferns Report recommendations insofar as they pertained to actions required on the part of the HSE and in relation to the Minister's aforementioned requests of 2005 (Appendix 5). The Minister was advised of the significant legal impediments in relation to establishing Inter-agency Review Committees as envisaged in the Ferns Report. Legal advice received by the HSE indicated that in the absence of legislation, the role of the Inter-agency Review Committees could not be advanced without exposing the HSE and other agencies to legal liability. In relation to progress made on the Church Audit, the Minister was advised that Audit Questionnaire Appendix A had been finalised following the incorporation of advice received from the OMCYA on foot of independent evaluation.

In October 2006 the Minister was further advised (Appendix 6) that following detailed consultation with the OMCYA, the HSE had recently finalised the audit questionnaire which would be shortly issued to diocesan bishops and provincials of religious orders, congregations and missionary societies (generally known within the Church and referred to in this report as *Ordinary/Ordinaries*).

Audit questionnaires were issued to dioceses, religious orders, congregations and missionary societies on the 23<sup>rd</sup> October, 2006. The correspondence included a letter to each Ordinary, Audit Questionnaire Appendix A and a sheet of frequently asked questions to assist with anticipated queries. In late November, correspondence was received from a majority of dioceses in which clarification was sought on a number of issues but mainly in relation to Section 5 of Audit Questionnaire Appendix A. Concerns were raised in relation to confidentiality and the interpretation of some of the questions contained in the questionnaire. A majority of bishops wrote to the HSE citing the concern that in the absence of the legislative measures as anticipated by the Ferns Report, they would be unable to complete section five of Audit Questionnaire Appendix A. Child care managers were alerted to problems arising from section five and advised that legal advice would be sought on the issues raised.

Following discussion with OMCYA officials, it was agreed to request all dioceses, religious orders, congregations and missionary societies to proceed with all sections of Audit Questionnaire Appendix A other than section five, to which all legal issues and clarifications of terminology issues related. A letter was issued in this regard on 12<sup>th</sup> December, 2006 (Appendix 7) to bishops acknowledging the issues that they had raised and requesting that

they complete all sections of Audit Questionnaire Appendix A other than section five. Replies were received from Ordinaries together with completed questionnaires during December 2006 and January 2007. Two dioceses completed Audit Questionnaire Appendix A in its entirety, including section five.

Completed questionnaires were forwarded to child care managers for analysis. Guidance had been issued to child care managers to assist them in completing their review of the Audit Questionnaire Appendix A. Child care managers were requested to complete their assessment having reviewed the questionnaire and meet with Ordinaries as appropriate.

In the meantime, the HSE sought further legal advice specifically in relation to section five. On foot of that legal advice further discussion ensued with the OMCYA and within the HSE on two potential options to surmount the legal difficulties impeding the completion of section five. The first option was to have matters dealt with legislatively as envisaged in the Ferns Report and the second option was to enter into a confidential agreement between the HSE and Church authorities.

On the 24<sup>th</sup> May 2007, the HSE provided a further update to the Minister for Children and Youth Affairs on the current position in relation to the audit together with legal advice received in relation to confidentiality concerns and advancing the Inter-agency Review Committees (Appendix 8). The Minister was advised that the HSE had not been able to progress section five of Audit Questionnaire Appendix A in the absence of legislative provisions and a number of options to address this impasse were considered including the use of confidentiality agreements. The HSE expressed the view that the use of confidentiality agreements might result in prolonged legal discussions and rely on the unanimous approval of Church representatives, with no guarantee of a satisfactory outcome. The Minister's advice was sought in the correspondence in relation to advancing these matters whilst in the interim the HSE would continue to progress the analysis of the returned questionnaires in relation to policies, procedures and structures, albeit that in the absence of the information sought in section five it would not be possible to retrospectively examine the application of the procedures in relevant cases.

A meeting of designated child care managers was subsequently convened to agree criteria to ensure that the examination of audit questionnaires was consistent nationally and also to determine a process for providing feedback to dioceses.

On the 11<sup>th</sup> June 2007, all dioceses were updated in relation to the progress of the examination of Audit Questionnaire Appendix A and informed that the Minister had been notified of the difficulties faced by dioceses in completing section five thereof (Appendix 9). Dioceses were subsequently advised in separate correspondence on the 20<sup>th</sup> June 2007 that the HSE would not be convening Inter Agency Committees due to legal impediments but would continue with the analysis of completed questionnaires (Appendix 10).

On the 13<sup>th</sup> of November 2007 the OMCYA stated (Appendix 11) that:

“in light of the proposed constitutional referendum which would address the area of the exchange of soft information, the OMC accepts Prof. Drumm’s concerns in relation to pursuing the option of a confidentiality agreement”.

On the 30<sup>th</sup> November 2007 correspondence from the HSE to the OMCYA stated (Appendix 12) that:

“Following detailed discussions with yourself and officials from the OMC (sic) as an interim measure, pending Attorney General advice, an audit tool was devised to assist in the assessment of the Church’s current child care policies, practices and procedures”.

The OMCYA advised the HSE by letter on the 10<sup>th</sup> December 2007 that the OMCYA accepted the legal difficulties that contributed to the HSE being unable *“to securing responses in regards to the elements of section 5 of the Audit questionnaire”* (Appendix 13). The letter went on to state that in the absence of section five, the OMCYA expected the HSE to use its own knowledge and experience to form an opinion on child protection procedures as practiced and advise the Minister to the best of its ability as to whether the dioceses were operating their procedures satisfactorily. The OMCYA emphasised the importance of *“the requirement that the Minister be in a position to refer or not to refer Dioceses to the Commission of Investigation based upon advice and information given by the HSE”*.

A report based on the responses by dioceses to Audit Questionnaire Appendix A, other than section five thereof, was submitted to the Minister on the 31<sup>st</sup> January, 2008 with a further report in December that year on the diocese of Cloyne (Appendix 14). The HSE advised that without the benefit of the completion of section five, it was not possible to retrospectively examine application of child protection procedures in individual cases. The report stated that based on the analysis by the child care managers of the replies received to Audit Questionnaire Appendix A:

“there is no prima facie case of serious non compliance with the Ferns report recommendations. On that basis therefore, I would not recommend to the Minister that any particular diocese should be referred to the Dublin Commission at this point in time. The HSE have however concern in respect of one particular diocese on foot of a recent complaint alleging non-compliance with procedures, received from the Office of the Minister for Children which is currently under investigation.”

This report was published by the Minister’s office in January 2009.

On foot of discussions between the Minister, Cardinal Brady and Archbishop Martin a meeting was convened by the OMCYA on the 24<sup>th</sup> January, 2009 with Church representatives and the HSE to revisit the audit. At the outset the difficulties with Audit Questionnaire Appendix A were acknowledged by all and it was recognised that it would be necessary to overcome the legal problems and that the audit must be legally possible to complete.

A series of meetings were convened by the OMCYA with Church representatives and HSE officials between the 2<sup>nd</sup> March 2009 and 7<sup>th</sup> July, 2009. A revised section five audit questionnaire would need to be sufficiently robust to test Church compliance with the Ferns Report recommendations and the extent to which the Church was applying and implementing its own child protection guidelines while also ensuring individuals' right to natural justice was not infringed. The central theme in conducting a revised audit would be to ensure that child protection practices of the Church were in compliance with their own guidelines which were in turn compliant with Children First. It was agreed that the benchmark document for the Church would be *Our Children Our Church*, as the recently published policy document "*Safeguarding Children – Standards and Guidance Document for the Catholic Church in Ireland*" (generally referred to in this report as *Safeguarding*) had not yet been implemented.

In the meantime the Department of Justice, Equality and Law Reform and the OMCYA were working on draft legislation in relation to the sharing of soft information on allegations of child sexual abuse. It was recognised that a revised audit questionnaire would have to be explicit in relation to a reportable allegation definition, with a threshold that was clearly understood by all parties and excluded rancour and innuendo. A reportable allegation as defined by Children First was the agreed benchmark.

The format of a revised questionnaire was the subject of much discussion between the OMCYA and HSE. The objective was to ensure that the revised questionnaire should be robust and meaningful but the final report presented to the Minister could not allow the identification of individuals, particularly those against whom allegations had been made but who had not been convicted of child sexual abuse. In this regard, the HSE was of the view that a high level report should be presented to the Minister which would not identify any individual or infringe their constitutional right to natural justice.

At a local level, the responses to the revised questionnaires would be examined by the previously designated child care managers who would compare the statistical questionnaire with information held by the HSE in local child care offices. The primary focus would be to ensure that children were being protected and in that context, the audit would focus on current risk. The audit would also exclude lay employees and volunteers to ensure consistency with the previous audit which was based on Audit Questionnaire Appendix A.

A revised questionnaire was drafted with the foregoing concerns in mind and in an effort to assess its efficacy, ensure complete understanding and address any interpretation issues, it was agreed to pilot the revised questionnaire among a number of dioceses, religious orders, congregations and missionary societies. The overall objective of this exercise was to quality assure the revised questionnaire and ensure there was consistency in the format of responses to the questionnaire. Pilot sites would also permit feedback and allow for clarifications.



The revised questionnaire (generally referred to in this report as *Audit Questionnaire Section 5*) (Appendix 15) was split into two sections. The first section comprised a grid to be compiled with statistics of allegations of child sexual abuse. The second section comprised a series of policy questions on the handling of allegations of child sexual abuse by dioceses, religious orders, congregations and missionary societies. Space was also allowed for Ordinaries to provide narrative where appropriate for clarification purposes. The format of Audit Questionnaire Section 5 took into account the complex governance arrangements within the Church whilst ensuring a comprehensive statistical return of priests and religious against whom allegations of child sexual abuse had been made. In order to ensure that Audit Questionnaire Section 5 was legally sound, the OMCYA consulted with the Office of the Attorney General which confirmed that there should be no issues relating to the possible identification of any individual. Audit Questionnaire Section 5 was subsequently forwarded to all dioceses on the 10<sup>th</sup> July 2009 with a return date of completion by 21<sup>st</sup> August 2009 (Appendix 16).

As in the case of Audit Questionnaire Appendix A, child care managers were issued with a guidance document to assist them in completing their review of completed Audit Questionnaire Section 5.

Following consultation with the OMCYA in November 2009, the HSE submitted a proposal to the Minister on the 30<sup>th</sup> November 2009 to amend the approach to the audit in order to create a more robust approach thereto (Appendix 17). The objective of the proposed extension to the audit was to ensure that the interests of children were best served by ensuring that all allegations known to dioceses, religious orders, congregations and missionary societies were reported to the civil authorities by Ordinaries. It was proposed that:

Each Ordinary would furnish their designated child care manager with:

- The names of complainant and alleged perpetrator in respect of each allegation referenced in Audit Questionnaire Section 5;
- The name and address of the HSE official to whom the report was made;
- The name and address of the Garda to whom the report was made.

The designated child care manager would arrange that HSE files were checked to confirm that the HSE had received notification of each allegation by Ordinaries;

The HSE would liaise with the National Bureau of Criminal Investigation to confirm whether An Garda Síochána had received the allegations as returned by Ordinaries;

To provide for changes in Church guidance since the return of previous audit questionnaires, Ordinaries would also furnish:

- Updated Audit Questionnaire Appendix A;
- Updated Audit Questionnaire Section 5.



On the 1st December 2009 the OMCYA advised the HSE that the Minister had agreed to the proposal and subsequently advised the Bishops' Secretariat of the Minister's decision to extend the timeframe for the audit and the reason why (Appendix 18).

Following the receipt of legal advice, in December 2009 the HSE issued correspondence to all dioceses, religious orders, congregations and missionary societies located fully or partially within the Republic of Ireland (Appendix 19). The letter referred to the proposal made by the HSE to the Minister and sought the additional information which was the subject of that proposal as outlined above. That letter also requested that:

*"In consultation with the Child Care Manager with whom you have liaised revise your audit to include all additional allegations known to your Diocese as a result of the publication of the Ryan and Murphy Reports."*

This correspondence further stated that this information would assist the HSE in checking its files to ensure that all allegations had been referred to the civil authorities in accordance with Children First. In this regard, Ordinaries were advised that the HSE would share this information with An Garda Síochána for the same purpose. This revised approach would assist all parties in ensuring that no child may be at current risk. In this correspondence dioceses were also requested to furnish updated Audit Questionnaire Appendix A and Audit Questionnaire Section 5. This was because since the introduction of new Church guidance in the form of Safeguarding in February 2009, the previously submitted diocesan audit returns were now out of date and may not reflect updated practices.

Due to the volume of information returned by dioceses and religious orders, congregations and missionary societies in response to the December correspondence, the HSE separated the audit into two phases. Phase one would be an audit of dioceses and phase two an audit of religious orders, congregations and missionary societies.

Analysis of the diocesan audit returns indicated that it was necessary to contact some dioceses which appeared to have inadvertently omitted to include an updated Audit Questionnaire Appendix A, or an up to date diocesan child protection policy document. Child care managers liaised with dioceses where necessary to obtain such updated information. Diocesan child protection policy documentation or Audit Questionnaire Appendix A that were submitted or in place in a diocese before the 31<sup>st</sup> July 2010 were considered as part of the audit.

Analysis of diocesan audit returns also revealed that because the HSE had not previously requested the date on which dioceses were first notified of allegations, it would not be possible to comment if there was a delay on the part of dioceses in reporting allegations to

the civil authorities. Furthermore, in many instances it was difficult to match the statistical information in Audit Questionnaire Section 5 to the allegations details provided. To remedy this and to ensure that the information submitted by diocese was interpreted correctly by the HSE, on the 17<sup>th</sup> of August 2010, designated child care managers were requested to liaise with bishops to complete a document which verified the contents of both Audit Questionnaire Section 5 and the list of allegations (generally referred to in this report as the *Section 5 verification document*) (Appendix 20). This included reviewing the details of allegations, confirming that they were accurate and responding to any queries raised in the document. In addition, the date on which dioceses were first notified of each allegation was requested. In each case the time taken to make reports to An Garda Síochána and/or HSE dioceses were requested to provide a reason for the time taken to report. Bishops were asked to sign the document and confirm:

“that I (the Bishop) have completed the tables above insofar as is possible based on the diocesan records available to me and I further confirm that the information above is, to the best of my knowledge, accurate.”

Designated child care managers were advised that allegations notified to the diocese up to a cut-off-date of the 31<sup>st</sup> July 2010 should be included and that the Section 5 verification document would be considered to be the most up to date position in this regard in the diocese. Given that the audit process is voluntary, it was not open to the HSE to question the information furnished by dioceses, however in some instances it was necessary for the HSE to seek clarity from dioceses in relation to ensuring that the HSE’s interpretation of the information provided was correct and accurate.

As part of the Section 5 verification document, child care managers were also asked to cross-reference the allegations information provided by the dioceses and in particular the details of the reporting of same, with HSE records. An Garda Síochána was also furnished with this information so that the same exercise could be conducted by that agency.

Given the extremely sensitive nature of the information that was the subject of this correspondence, the requirement for absolute confidentiality and security in relation to same was emphasised.

In October 2011, following the completion of the verification tasks by the HSE a draft report was produced and the relevant sections concerning each diocese were forwarded to the relevant bishop for the purposes of commentary and submissions in relation to same. Every diocese made a detailed response to this element of the process.

There was a general dissatisfaction expressed concerning the sections of the report which addressed the management of allegations by the dioceses. The audit report it was felt was too simplistic and had not accounted for factors such as incomplete information or the time taken for a complainant to come forward when calculating the time taken to report concerns. The HSE position on this matter has always centred on the core point that

concerns should be reported as a matter of course even if incomplete, and whilst acknowledging the complexity for the dioceses when information is incomplete or have been told by a complainant that they don't wish for it to be reported, the spirit of all guidance has been allegations must be reported and any consequent analysis or validation should come be carried out by the statutory authorities.

In addition a collective view expressed concern that the publication of the audit report would mislead the public as substantial developments had taken place to enhance the safeguarding of children in the context of church ministry, and without their inclusion, the report would only be useful as a historical document. The HSE following further legal advice considered the view that the report may well be viewed as outdated and unable to fulfil its original terms of reference. Following consultation with the National Director for Children and Families and the Department of Children & Youth Affairs the HSE sought to reengage with the Bishops with the express purpose of providing an opportunity to update their audit returns with a new analysis date of November 30<sup>th</sup> 2011.

An updated template was issued (see Appendix) in December 2011 to each diocese with an invitation to supply updated evidence based information which would be used to update the audit findings. It was agreed that the redrafted sections would be reissued for comment under agreed fair procedures. This process took place in June 2012. Most dioceses made additional submissions with account taken of same.

## 2. CHURCH AND STATE GUIDANCE

This chapter provides an overview of State guidance and legislation and Church guidance in relation to the identification and management of child sexual abuse.

### State Guidance & Legislation

State guidance in relation to the detection and management of child abuse has historically been provided by the government departments known today as the Department of Health and Children and the Department of Education and Skills and referred to in this chapter as the Department of Health and Department of Education respectively.

#### Pre-1990

The Children Act 1908 was the legislation governing child care services in the earlier part of the last century and parts of which remain in force. State guidance issued in relation to child abuse was in the form of circulars from the Department of Education and focussed on limiting the use of corporal punishment in industrial and national schools. In 1975 the first moves towards examining the reporting, investigation and management of child abuse came about with the Department of Health's examination of *"non-accidental injury to children"*. The Department of Health issued its first form of guidance relating to child protection in 1977, the *"Memorandum on Non-Accidental Injury to Children"* the aim of which was *"to provide guidance for health agencies and health personnel on the identification, management and prevention"* of non-accidental injury. The memorandum did not provide any definition of child abuse. The memorandum gave a detailed checklist of indicators of physical abuse, including an index of suspicion and outlined actions to be taken by relevant personnel.

#### Department of Health: Guidelines on the Identification and Management of Non-Accidental Injury to Children (January 1980)

Largely based on the guidelines of 1977, these guidelines were concerned with actual, suspected or potential non-accidental physical injury to children. The focus was on physical abuse of children and the roles of directors of community care were more clearly defined. The guidelines provided procedures for the investigation of reports and the monitoring and co-ordination of child abuse cases. The purpose of the guidelines was to *"provide guidance for health agencies and health personnel on the identification, management and prevention of non-accidental injury to children"*. The guidelines stated that An Garda Síochána must be notified as quickly as possible where a breach of the law was indicated.

#### Department of Health: Guidelines on Procedures for the Identification, Investigation and Management of Non-Accidental Injury to Children (February 1983)

These guidelines were published in 1983 and updated the Department of Health's aforementioned publications of 1977 and 1980. The guidelines were *"concerned with the problem of confirmed or suspected non-accidental physical injury (including injury resulting from sexual abuse) to children"*. Accordingly, the emphasis was again placed on physical

abuse, with injury resulting from sexual abuse being included under the heading of *"confirmed or suspected non-accidental physical injury"*. The aforementioned is the only reference to sexual abuse in the guidelines appearing in the opening paragraph to same. The guidelines specifically retreat from the position of the earlier guidelines in relation to the prevention of non-accidental injury, in that they *"do not deal specifically with prevention of non-accidental injury to children"* unlike those of 1977 and 1980 which specifically included the prevention of non-accidental injury to children as a purpose. The focus of the guidelines and of the discussions and definitions of child abuse was directed at abuse occurring within families. No reference was made to any form of abuse by service-providers or extra-familial abuse.

### **Department of Health: Guidelines on procedures for the Identification, Investigation and Management of Child Abuse (July 1987)**

A revised set of guidelines were issued by the Department of Health in July 1987. These guidelines made specific reference to sexual abuse and stated that *"The procedures to be followed in dealing with child sexual abuse do not differ from the general guidelines. However, the identification and validation of child sexual abuse is fundamentally different"* and readers were directed to a separate section which provided information on issues particular to child sexual abuse. While the revised guidelines did not provide detailed definitions of abuse, specific physical indicators of child sexual and physical abuse were listed therein.

The 1987 guidelines provided procedures to be followed by personnel other than Health Board or medical personnel which included teachers, day care staff, and residential care staff, among others. The guidelines clearly stated that *"the sexual abuse of a child is a crime"* and referred to the obligation of the community *"to ensure that the perpetrator is deterred from further abuse acts"*. They also stated: *"at any stage in the investigation where there are reasonable grounds for suspecting child sexual abuse the DCC/MOH should report the matter to the Gardaí"*. They also referred to both intra-familial and extra-familial abuse. Chapter eight of the 1987 guidelines placed strong emphasis on the need for Health Boards to circulate the guidelines to staff in other agencies such as hospitals, adult psychiatric services, general practitioners, schools, day care facilities for pre-school, mentally handicapped and physically handicapped children, children's residential homes and local authority welfare services. The guidelines stated that *"any person who knows or suspects that a child is being harmed, or is at risk of harm, has a duty to convey his concern to the local health board"*.

### **Child Care Act 1991**

Prior to the passing of the Child Care Act 1991, the main legislation in relation to the area of the protection of children was the Children Act 1908 as amended. The purpose of the Child Care Act was to *"up-date the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused or who are at risk."* The Child Care Act 1991 was fully enacted over the period of 1991 to 1996. It placed on a statutory footing the responsibility of the then Health Boards to both identify and promote the welfare of children

who are not receiving adequate care and protection. The principle underpinning the act is that the welfare of the child is paramount and it also provides for the regulation of placements, pre-school services and children residential centres.

### **Department of Education: Procedures for Dealing with Allegations or Suspicions of Child Abuse (1992)**

The Department of Education published these procedures for schools to follow in circumstances where there were suspicions or allegations of child abuse. It also enclosed the Department of Health's "*Child Abuse Checklist*" and "*Child Abuse Guidelines*". The reporting procedure furnished included a requirement for the chairperson of the Board of Management, or the school manager or the chief executive of the Vocational Education Committee, as appropriate, to report the matter to the local director of community care or medical officer of health. The procedures referred to child abuse, both physical and sexual.

### **The Convention on the Rights of the Child (UNCRC 1989)**

The United Nations Convention on the Rights of the Child is the world's leading instrument on the rights of children and young people. Ireland signed up to the Convention in 1992 but it has not yet been passed into domestic law.

### **Medical Council Ethical Guidelines (1994)**

The Medical Council which regulates the medical profession revised its Ethical Guidelines in 1994 in relation to patient/doctor confidentiality. Four circumstances were outlined in which confidentiality could be breached which resulted in a doctor being allowed to report information received to the appropriate authority in relation to the abuse of a child so that the welfare of that child could be safeguarded.

### **Department of Health & An Garda Síochána: Notification of Suspected Cases of Child Abuse between Health Boards and Gardaí (April 1995)**

In 1995, following specific recommendations in the Report of the Kilkenny Incest Investigation (1993), guidelines for the notification of suspected cases of child abuse between Health Boards and An Garda Síochána were issued jointly by the Department of Health and An Garda Síochána. The document amended the 1987 Guidelines of the Department of Health in relation to circumstances in which Health Boards and An Garda Síochána were to notify cases of suspected abuse to each other and in relation to the consultation that should take place between both agencies following a notification. Health Boards were required to immediately formally notify An Garda Síochána where it "*suspects that a child has been physically or sexually abused or wilfully neglected*". An Garda Síochána were not required to notify every case of sexual assault to Health Boards however: "*It is not intended that the Gardaí should notify the Health Board of cases of physical or sexual assaults against children which involve issues of law enforcement only, such as the assault of a child by a stranger, unless such cases give rise to child protection questions; for example, where the suspected abuser has ongoing contact with other children*".

In these guidelines, definitions were given of physical abuse, sexual abuse, emotional abuse and neglect. The document provided a standard procedure for the notification of cases

between the two agencies *“to be used when either agency suspects that child abuse has taken place. The document states that when a “Social Worker and Garda assigned to the case have made contact, their initial task is to share the information already available to each agency about the case in order to establish the relevant factual circumstances of the child and the possible sources of harm or danger.”*

### **Putting Children First – A Discussion Document on Mandatory Reporting (1996)**

The objective of this document was to ascertain if the mandatory reporting of child abuse would be of benefit in addition to the measures already in place to help deal with child abuse. Rather than make a recommendation as to whether or not mandatory reporting should be introduced, the document presented the issues related to same, reviewed international experience in the area and the recommendations on the subject contained in the Kilkenny Incest Report and the Law Reform Commission and invited comment from interested parties.

### **Department of Health: Putting Children First - Promoting and Protecting the Rights of Children (October 1997)**

This report followed on the above discussion paper on mandatory reporting and concluded that the introduction of mandatory reporting at that time *“would not be in the best interests of children and would not improve our child care services.”* The report provided initiatives and arrangements for reporting child abuse aimed at improving the quality of services. It included the appointment of child care managers in Health Boards, with responsibility for coordinating inter-agency approaches to child protection within each community care area, a review of the 1987 Child Abuse Guidelines and the 1995 notification of Suspected Cases of Child Abuse between Health Boards and An Garda Síochána and the setting up of the Ombudsman for Children.

### **Non-Fatal Offences Against the Person Act 1997, Section 24**

Under section 24 of the above Act, the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils was abolished thereby meaning that physical punishment of a pupil by a teacher became a criminal offence.

### **The Protection for Persons Reporting Child Abuse Act 1998**

The purpose of this Act, which came into force in January 1999, was to protect from civil liability persons who *“reasonably and in good faith”* report child abuse to designated officers of the then Health Boards or An Garda Síochána. The Act also created a new offence of false reporting of child abuse. The Act refers to the assault, ill-treatment, neglect or sexual abuse of a child and circumstances where a child’s health, development or welfare is or has been avoidably impaired or neglected.

### **The Child Trafficking and Pornography Act, 1998**

The above Act prohibits trafficking or the use of children for the purposes of sexual exploitation of those children and it also prohibits the production, dissemination, handling and possession of child pornography. The Act creates a number of offences carrying penalties of fines and/or imprisonment.

**Department of Health: Children First-National Guidelines for the Protection and Welfare of Children (1999)**

The Children First guidelines for the protection and welfare of children were published by the Department of Health and Children in 1999. The aims of Children First were, in addition to assisting in the identification and reporting of child abuse, to clarify and promote mutual understanding among statutory and voluntary organisations in relation to child protection and to highlight the importance of consistency between policies and procedures across Health Boards and other statutory and voluntary organisations. Children First emphasised that the welfare of children is of paramount importance.

The Children First guidelines were framed in the context of the Child Care Act 1991 and regional implementation groups were established subsequently to ensure consistency in the implementation of the guidelines. Children First included a list of child abuse indicators for the categories of child abuse outlined therein, namely neglect, emotional abuse, physical abuse and sexual abuse.

**The National Children's Strategy: "Our Children – Their Lives" (2000)**

This document set out a ten-year strategy in relation to children. Three goals are provided for in the document:

Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity;

Children's lives will be better understood; their lives will benefit from evaluation, research and information on their needs, rights and the effectiveness of services;

Children will receive quality supports and services to promote all aspects of their development.

**Department of Health: National standards for children's residential centres (2001)**

These standards were published by the Department of Health and Children and refer to the standards to be upheld in children's residential centres. The standards refer to the subject of abuse in the section entitled "*the care of young people*". In addition the standards contain a child protection section which requires that there are systems in place to protect young people from abuse. Under the standards all centres must have written policies and procedures which have been agreed with the local child care manager and which are consistent with the Children First guidelines.

**Department of Education: Child protection: guidelines and procedures (2001)**

Published in 2001 by the Department of Education and Science, these guidelines were geared towards enshrining the principles of the Children First guidelines into specific guidelines for primary schools. These guidelines replaced those of 1991/2 and were more comprehensive and detailed than the older guidelines. They outlined the roles and responsibilities of key personnel and provided specific procedures in relation to reporting and handling allegations.



### **The Sex Offenders Act, 2001**

The above Act came into force in 2001 and introduced a range of measures aimed at protecting children and vulnerable people from sexual abuse. In particular with reference to children, the Act requires convicted sex offenders when seeking or accepting employment or a voluntary position involving unsupervised access to children, to inform their prospective employer of the fact of the conviction. The rationale behind the offence is for it to act as a deterrent to unsuitable persons from seeking access to children through the workplace.

### **The Children Act 2001**

This Act revised existing legislation governing the treatment of children in conflict with the law and non-offending children in need of special care and/or protection. The overall spirit of the Act is that the detention of children is an option of last resort and prevention through early intervention is desirable and more likely to produce positive outcomes. Section 246 of the Children Act, 2001 makes it an offence for a person who has the custody, charge or care of a child to wilfully assault, ill-treat, neglect, abandon or expose the child or to cause or procure or allow the child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause unnecessary suffering or injury to the child's health or seriously to affect his or her well-being. This Act came into force in stages together with amendments thereto but has not been fully implemented and some sections have been superseded.

### **Department of Health: Our Duty to Care (2002)**

This document was published by the Department of Health in 2002 and aimed specifically at community and voluntary organisations that provide services to children. It provides guidance in relation to the promotion of child welfare and the development of safe practices in working with children. In particular, it provides information on recognising signs of child abuse and the appropriate steps to take where it is suspected, witnessed or disclosed. The document is designed to be read in conjunction with Children First and includes a standard reporting procedure (from Children First) and report template.

The document also provides that “All national organisations working with or providing services for children should be familiar with Children First and any new guidelines that may be produced must be consistent with it”.

### **Garda Central Vetting Unit (2002)**

This unit was established in 2002 and initially dealt with vetting requests from State bodies or organisations in receipt of State funding. From mid-2006 the system was extended to voluntary organisations. Vetting by An Garda Síochána involves disclosure by them of all details of convictions and prosecutions in relation to the prospective employee to an authorised liaison person in the employer organisation. Details include completed and pending prosecutions both successful and unsuccessful. Vetting currently applies to the following employees who have substantial unsupervised access to children and vulnerable adults:

Prospective employees of the HSE and agencies funded thereby where the work involves access to children and vulnerable adults

Prospective primary and post-primary teachers

Prospective staff, students and volunteers in the child care sector

Staff working in homes for older people

Ombudsman for Children (2003)

The Ombudsman for Children Office was established under the Ombudsman for Children Act 2002 to promote the rights and welfare of children and young people and to deal with by and on behalf of them. The Ombudsman for Children's Office states that its main areas of work are in the areas of independent complaints handling, communication & participation and research & policy.

**Department of Education: Child protection guidelines for post-primary schools (2004)**

These replace and update the 1992 procedures published by the Department of Education.

**Department of Education: Adoption of Child Protection Guidelines and Procedures by Post-primary schools in 2005/06 and the provision of a telephone advisory service; Circular M44/05 (2005)**

Following the provision of the 2004 child protection guidelines, the Department of Education advised that the guidelines should be formally adopted as soon as possible as the school's official policy on child protection and the designated people should be formally designated as required under the 2004 guidelines. The Department provided a telephone advisory service for the designated liaison person, one of whose roles was to provide a half-day information briefing for all staff. In-service training was also provided to all staff in relation to the guidelines.

**Criminal Justice Act 2006**

This Act, in addition to amending the Child Care Act 1991 and the Children Act 2001, provides that the reckless endangerment of children constitutes an offence. Under section 176 of the Act a person *"having authority or control over a child or abuser, who intentionally or recklessly endangers a child by (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence."*

**Department of Education: Child Protection Guidelines and Procedures for Post-primary schools; Circular 62/2006 (2006)**

This circular included a questionnaire to be completed by the principal or chairperson of the board of management of schools. The questionnaire followed up on the previous guidelines to ensure that the requirements of same were complied with.

**Department of Education: Child Protection Procedures for Persons Employed by the Department of Education and Science; Circular 47/2007 (2007)**

This circular makes clear that where there is an allegation or complaint of child abuse, the Department of Education & Science has a responsibility to ensure that the information is passed on to the relevant school and to the HSE. The circular also advises that the Department's function is not to investigate allegations of child abuse, as that is the

responsibility of the HSE. Schools are reminded in the circular that any allegations or information on child abuse must be dealt with in accordance with the prescribed guidelines for schools.

**Boards of Management of National Schools – Constitution of Boards and Rules of Procedure; Primary Boards of Management – Information Manual (Department of Education and Science: November 2007)**

These documents set out who may be appointed to a Board of Management, the procedure for election and nomination of members, terms of office and dismissal, and cessation of membership. They also deal with non-eligibility and state that a person shall not be eligible to be a member of a Board if that person has been placed on the Sex Offender's register by order of a court or if that person has been sentenced to a term of imprisonment by a court of competent jurisdiction within the immediately preceding five years.

**The Agenda for Children's Services: A Policy Handbook (2007)**

The purpose of this document is to set out the strategic direction and key goals of public policy in relation to children's health and social services in Ireland. It is described therein as an *"active policy tool"* to help *"support, respectively,* those involved in service delivery, management and policy-making."

**Report of the Commission to Inquire into Child Abuse, 2009: Implementation Plan**

The implementation plan published by the Office of the Minister for Children and Youth Affairs states that a rationalisation of funding and resources, improved information and manpower flexibility are required to provide more effective services and good care for children in State care and children at risk. The plan further states that *"It is necessary that the State, including all its agencies and professional staff, understands and accepts the special position it has in relation to children in State care. This is often referred to as 'corporate parenting'. No child should leave the long-term care system without the ability to earn a living, live independently and form wholesome relationships. The State has a duty to ensure this as far as possible"*.

**Department of Health: Children First – National Guidelines for the Protection and Welfare of Children (2011)**

These guidelines update the 1999 guidelines and integrate changes in legislation, policy direction and service restructuring since the publication of the original guidelines.

**Church Guidance**

Chapters three and four of the report of the Commission of Investigation into the Catholic Archdiocese of Dublin (July 2009) (generally referred to in this report as *"The Murphy Report 2009"*) have been relied upon in drafting the canon law component of this chapter and for a comprehensive and detailed examination of Church structures, hierarchy and governing laws the reader is directed to that report.

## **Pre-1990**

### **Canon law and Vatican Instruction**

Prior to 1996, the canon law and procedural laws or instructions issued by the Holy See (i.e. the central government of the Catholic Church) were the only sources of guidance in relation to the issue of child sexual abuse in the Church. Instructions were issued by the Holy See in 1922 and a new version of the same document was issued in 1962 on how investigations into allegations of solicitation, including child sexual abuse, were to be conducted. This process included procedures for bringing the accused to trial, sentence and appeal. The Murphy Report 2009 states that *“The main problem with these procedural rules was that virtually no one appears to have known anything about them – including the people who were supposed to implement them. It appears that both documents were circulated only to bishops and under terms of secrecy.”* It further states that *“an unusual situation existed whereby a document setting out the procedure for dealing with clerical child sexual abuse was in existence but virtually no one knew about it or used it”*.

In the 1983 Canon Law code, procedures for handling accusations of child sexual abuse were set out. Responsibility for dealing with complaints rested with bishops. The code provided for the removal of faculties and the imposition of penalties, including dismissal. The Murphy Report 2009 states *“it appears that paedophilia may be an actual defence to a claim of child sexual abuse”* in canon law. It is noteworthy that under canon law a church official who fails to utilise canon law in the case of sexual abuse is liable to penal sanctions imposed by Rome.

### **Irish Catholic Bishops’ Advisory Committee on Child Sexual Abuse by Priests and Religious (1994)**

The above committee was established in 1994 at the request of the Irish Catholic Bishops’ Conference to identify guidelines for Church policy in relation to instances or suspicions of child sexual abuse by the clergy and religious. The terms of reference of the Advisory Committee were to consider and advise on an appropriate response by the Church to accusations, suspicions or knowledge of a priest having sexually abused a child and to identify guidelines for Church policy in this area and to suggest a set of procedures to follow in such circumstances.

## **Post-1995**

Since 1996, a number of guidance documents have been published for use by the Church on the subject of child sexual abuse. These documents have been published primarily at the behest of the Irish Catholic Bishops’ Conference (also known as an *“Episcopal Conference”*). The latter comprises the bishops and auxiliary bishops of the dioceses on the island of Ireland. While the Irish Catholic Bishops’ Conference may endorse any given publication, individual bishops are not bound by the conference or by its decisions. There is a facility in canon law whereby an Episcopal conference can, in certain circumstances, declare binding norms, but this is consequent on the approval of the Holy See. Such policies that are

afforded recognition by the Holy See are deemed to be compatible and consistent with canon law and are referred to as being 'normative'.

### **Child Sexual Abuse: Framework for a Church response (1996)**

The Framework document was the first guidance published for the Church in relation to child sexual abuse. Also known as *"the Green Book"*, it was published in January 1996 arising from the work of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious which had been convened in 1994. In its forward to the document, the Irish Catholic Bishops' Conference *"recommend it [the Framework document] to individual dioceses and congregations as a framework for addressing the issue of child sexual abuse by priests and religious"*. Notwithstanding this recommendation, the Framework document was not formally recognised by the Holy See and was not normative. As a result it was not binding on individual bishops or in canon law.

The Framework document provided eight guidelines to underpin the Church authorities' response to allegations of child sexual abuse, the first of which was: *"the safety and welfare of children should be the first and paramount consideration following an allegation of child sexual abuse"*. It also provided specific procedures for responding to complaints, recommendations in relation to the assessment and treatment of priests accused of child sexual abuse, increasing awareness of child sexual abuse, the selection of people for the priesthood and the exchange of information between dioceses. Importantly, the Framework document provided for the reporting of known or suspected child abuse to the civil authorities and stated: *"In all instances where it is known or suspected that a child has been, or is being, sexually abused by a priest or religious the matter should be reported to the civil authorities"*.

Shortcomings of the Framework document were that it did not offer specific guidance in relation to recognising signs of child sexual abuse. Furthermore it was also geared solely towards child sexual abuse and did not refer to non-sexual child abuse. Its greatest shortcoming however was its lack of standing in canon law which meant that bishops following the Framework document could not be sure that it was in keeping with canon law. As a result, they could not rely on support from the Holy See should a priest accused of child sexual abuse appeal actions taken in respect of child abuse allegations.

### **Letter to Irish Bishops from the Apostolic Nunciature in Ireland (January 1997)**

A letter to Irish bishops from the Apostolic Nunciature in Ireland, which was written in strict confidence but is now widely available in the media, advised Irish bishops that the Framework document must conform to the *"canonical norms presently in force."* The letter stated that the Irish bishops' policy of mandatory reporting of allegations to An Garda Síochána *"gives rise to serious reservations of both a moral and canonical nature"*. The letter further stated that the *"procedures and dispositions which appear contrary to canonical discipline and which, if applied, could invalidate the acts of the same Bishops who are attempting to put a stop to these problems. If such procedures were to be followed by the*

*Bishops and there were cases of eventual hierarchical recourse lodged at the Holy See, the results could be highly embarrassing and detrimental to those same Diocesan authorities."*

The Murphy Report 2010 stated in relation to this letter that: "There can be no doubt that this letter greatly strengthened the position of those in the Church in Ireland who did not approve of the Framework Document as it effectively cautioned them against its implementation."

### **National Resource Group (1997)**

This group was established to facilitate the implementation of the recommendations of the Framework document and to serve as a resource for the Catholic Church in Ireland in relation to child sexual abuse. The National Resource Group provided training programmes for diocesan personnel.

### **Faoiseamh (1997)**

Now known as "*Towards Healing*", Faoiseamh was established by the Conference of Religious in Ireland (CORI) in 1997 to provide counselling to those who had been abused by religious or diocesan personnel.

### **Sacramentorum Sanctitatis Tutela ("Motu Proprio")(2001)**

Commonly referred to as the "*2001 procedural rules*" or "*Motu Proprio*", this instruction from the Holy See was widely available and was normative. It provided for all allegations of child sexual abuse which reached the threshold of "*a semblance of truth*" to be referred to the Congregation for the Doctrine of the Faith (CDF) in Rome. This body would deal with the matter itself or advise the bishop on the appropriate course of action to take.

### **Child Protection Office of the Irish Bishops' Conference (2001)**

The Child Protection Office of the Irish Bishops' Conference was established in 2001.

### **Working with Children and Young People in the Catholic Church Community in Ireland – Good Practice Guidelines" (2003)**

These interim guidelines were published in 2003 by the working group of the Committee on Child Protection of the Bishops' Conference and were distributed to all dioceses and religious groups. In the preface to the guidelines, it was stated that the document was not intended to provide a definitive policy of the Church. Furthermore, it merely provided guidance to church-related agencies in preparing their child protection policy, rather than providing a single policy for use in all churches. The document contained guidelines on the elements of good practice, a suggested code of behaviour and how to respond to concerns and complaints regarding child abuse. The procedures provided in this document were based on Children First, Our Duty to Care and child protection guidelines and procedures provided by the Department of Education and Science.

### **Child Protection Working Group (2003)**

This group was established in June 2003 by the three sponsoring bodies: the Irish Bishops' Conference, the Conference of Religious of Ireland and the Irish Missionary Union. The

working group whose chair also chaired the Children First working group, was commissioned with the task of developing a child protection policy for the Catholic Church in Ireland.

### **Time to Listen – Confronting Child Sexual Abuse by Catholic Clergy in Ireland (2003)**

This study was commissioned by the Bishops’ Committee on Child Abuse in 2001 to research the impact of clerical child sexual abuse on victims, perpetrators, extended families, colleagues, parishes and the wider community.

### **Our Children, Our Church (2005)**

The aforementioned Child Protection Working Group produced this document which was published by the Irish Bishops’ Conference, the Conference of Religious in Ireland and the Irish Missionary Union. It aimed to provide a “*one church*” approach to child protection whereby the same principles and procedures would operate in every church in Ireland in relation to the protection of children and management of child sexual abuse allegations. It attempted to provide child protection policies and procedures in the context of the canon law. It also gave detailed guidelines on the relationship between the church response to allegations of abuse and the civil investigation process. As with the Framework document, this document was not given formal legal recognition by the Holy See and was not normative. An edition of the document for Northern Ireland was launched later in the year.

### **National Board for Safeguarding Children in the Catholic Church (NBSCCC) (2006)**

The NBSCCC was established by the Irish Bishops’ Conference, the Conference of Religious of Ireland, and the Irish Missionary Union with the remit of advising these three sponsoring bodies on best practice relating to child protection policies and procedures. The NBSCCC commissioned Safeguarding and has a role in assisting dioceses in implementing the document and enhancing communication on issues of child safeguarding policy and practice in the Catholic Church.

### **Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland (2009)**

Safeguarding was issued on the 24<sup>th</sup> February 2009. It replaces previous Church guidance and contains seven standards to be adhered to and which represent best practice in the area of safeguarding children in the Church and related Church activities. The standards and criteria contained in Safeguarding are included at Appendix 21. Safeguarding does not provide a comprehensive set of actual policies and procedures but instead provides guidance and requirements as to what should be in the policies and procedures of each diocese, religious order, congregation and missionary union. It is for each diocese, religious order, congregation and missionary union to draft its own policies and procedures based on its interpretation of the guidance in the document. The NBSCCC signed a memorandum of understanding with all dioceses, all members of the Conference of Religious of Ireland and all members of the Irish Missionary Union, whereby each committed to implementing Safeguarding. Safeguarding, like its predecessor Church guidance documents the Framework document and Our Children, Our Church, is not normative and therefore not binding on any diocese, religious order, congregation or missionary society. As a result, Ordinaries following the guidance set out in documents that are not normative risk having



the findings of their investigations of alleged child sexual abuse overturned by the Holy See on the basis that the guidance followed is not compatible with canon law.

**Pastoral Letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland (2010)**

This pastoral letter was addressed to the Catholics of Ireland and announced an *“Apostolic Visitation of certain dioceses in Ireland”*. The letter also specifically requested bishops to *“Besides fully implementing the norms of canon law in addressing cases of child abuse, continue to cooperate with the civil authorities in their area of competence.”* The letter further states that *“It is imperative that the child safety norms of the Church in Ireland be continually revised and updated and that they be applied fully and impartially in conformity with canon law.”*

**Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations (2010)**

This document incorporates elements and procedures which were established in Motu Proprio. It is a summary of the procedures to be followed by the Holy See and local bishops in dealing with allegations of sexual abuse of minors by clerics.

The document states that all cases must first be investigated by the local bishop. The results of this investigation must then be sent to the Congregation for the Doctrine of the Faith (CDF) and the local bishop must also give his opinion on what procedures should be followed. The document also clearly states that, as part of the ordinary authority of the local bishop, he has the discretion to restrict a priest’s activities at all times including while an investigation by the CDF is underway.

The CDF has three procedural avenues to pursue when allegations are raised against a priest. The first option is a judicial penal trial before the local Church. The second possibility is an administrative penal trial before the local Church. The final option is for a direct judgment to be made by the Pope in relation to a priest accused of sexual abuse. Clerics that are judged to be guilty face a number of canonical penalties, the most serious of which is dismissal from the clerical state.

**Circular letter from Congregation for the Doctrine of the Faith to all Catholic bishops (2011)**

This letter instructs bishops to develop child protection guidelines on handling allegations of child sexual abuse. A set of principles is provided in the instruction to help bishops’ conferences to establish guidelines, with the objective of achieving a consistent response between countries by the universal Church to sexual abuse. The document references reporting to civil authorities and states that:

*“it is important to cooperate with such authority within their responsibilities. Specifically, without prejudice to the sacramental internal forum, the prescriptions of civil law regarding the reporting of such crimes to the designated authority should always be followed.”* The



document also provides a summary of canonical legislation regarding the sexual abuse of minor.

## **PART TWO**

### **3. Executive Summary & Overview Findings**

### **4. Methodology**

### **5. Detailed Analysis of Dioceses**

### 3. EXECUTIVE SUMMARY

The report of the inquiry into allegations of child sexual abuse in the Roman Catholic diocese of Ferns (*“the Ferns Report”*) was published in October 2005. On foot of the findings of the Ferns Report, the HSE was requested by the Minister for Children to commence an audit of child protection practices in dioceses having a presence in the State and to audit compliance by those dioceses with the Ferns Report’s recommendations. The HSE audit is generally referred to in this report as *“the Church Audit”*.

In November 2005, a statutory Commission of Investigation was set up to enquire into the handling of allegations of child sexual abuse against clerics operating under the aegis of the Dublin Archdiocese. The Minister for Children drew an *“express link”* between the work of the Commission of Investigation and the findings of the Church Audit. The Minister’s office confirmed that if the Church Audit established non-compliance by a diocese with the Church’s child protection guidelines or with the recommendations of the Ferns Report, this may or could trigger a referral of that diocese, by the Minister for Justice, to the Commission of Investigation.

#### **Format of Church Audit Report**

Part One sets out the background to the Church Audit, an overview of Church and State guidance and legislation in the area of child sexual abuse , part two outlines the methodology used in the conduct of the audit.

Part Two sets out the findings of the Church Audit of Catholic Church dioceses which are divided into an analysis of the safeguarding arrangements in operation in each diocese, the reporting of allegations by each diocese to the civil authorities, an overview of findings and recommendations.

#### **Methodology**

The process by which the Church Audit would be conducted was arrived at in a series of meetings in 2006 that were chaired by the OMCYA and attended by HSE and Church representatives. It was agreed that the approach to the audit would be by way of questionnaire to all dioceses. Church representatives were invited to comment on the methodology of the audit as distinct from the contents of the questionnaire which was a matter solely for the HSE.

Section five of the above questionnaire requested numerical information on allegations of child sexual abuse against clergy. The objective of this section was to examine how allegations of child sexual abuse had been handled by dioceses and therefore ascertain the extent to which all dioceses had complied with the Ferns Report recommendations in this regard. When the questionnaire was circulated to all dioceses for completion, a majority of

dioceses cited legal difficulties in completing section 5 of the questionnaire in the absence of legislative measures that were anticipated by recommendation G12 of the Ferns Report. Following discussion with the OMCYA, the HSE requested dioceses complete all sections of the questionnaire (generally referred to in this report as *Audit Questionnaire Appendix A*) other than section five, to which all legal issues and clarifications of terminology issues related.

A report based on the responses to Audit Questionnaire Appendix A other than section 5 thereof, was submitted to the Minister for Children & Youth Affairs in December 2008. The Minister was advised that without the benefit of the completion of section five, it was not possible to retrospectively examine application of child protection procedures in individual cases. The report stated that based on the analysis by the child care managers of the replies received to Audit Questionnaire Appendix A:

“there is no prima facie case of serious non compliance with the Ferns report recommendations”.

This report was published by the Minister’s office in January 2009.

Later that month the Church Audit was revisited by the OMCYA, Church representatives and the HSE to try to address the difficulties surrounding section five. A revised questionnaire was issued to all dioceses in July 2009 which requested statistics of allegations of child sexual abuse and included policy questions on the handling of allegations (generally referred to in this report as *Audit Questionnaire Section 5*). All dioceses submitted responses to this questionnaire.

Following consultation with the OMCYA in November 2009, the OMCYA accepted the HSE’s proposal to amend the approach to the Church Audit in order to allow the HSE and An Garda Síochána confirm that all allegations known to dioceses were reported to the civil authorities. This proposal entailed requesting all dioceses to furnish updated Audit Questionnaire Appendix A and Audit Questionnaire Section 5 together with details of all allegations known to the dioceses for cross-referencing with State records. The Minister agreed to extend the deadline for the audit to enable this revised approach to the Church Audit to be carried out.

Due to the extensive information returned by dioceses and religious orders, congregations and missionary societies in response to this request, the HSE decided to separate the Church Audit into two phases. Phase one would be an audit of dioceses and would be completed in advance of phase two, an audit of religious orders, congregations and missionary societies. This report is concerned with Phase 1 only.

The quality and format of allegations information furnished by dioceses was found to vary widely and did not lend itself to comprehensive comparative analysis. To remedy this and to ensure that the information submitted by diocese was interpreted correctly by the HSE, on the 17<sup>th</sup> of August 2010, designated child care managers were requested to liaise with

bishops to complete a document which verified the contents of both Audit Questionnaire Section 5 and the list of allegations. In addition, the date on which dioceses were first notified of each allegation was requested. In each case of a analysis of the time taken in reporting to An Garda Síochána and/or HSE, dioceses were requested to provide a reason for the time taken. This would allow the HSE to analyse the nature of the time taken on the part of diocese in reporting allegations to the civil authorities. Child care managers were also asked to cross-reference the allegations information provided by the dioceses and in particular the details of the reporting of same with HSE records. An Garda Síochána was also furnished with this information so that the same exercise could be conducted by that agency. Given the time span of the remit of the audit there were examples of historically poor quality of record keeping by all parties which lead to problems of determination in some historical allegations during the cross referencing process. It should be noted that the progress made by An Garda Síochána in their record keeping systems is commendable, and proved a vital source of cross referencing during this audit without which many cases could not have been accurately verified.

The Church Audit initially covered all policies and procedures and allegations made against living diocesan priests notified to dioceses having a presence in the State up to the 31<sup>st</sup> July 2010 but was laterally extended to November 30<sup>th</sup>, 2011 in an effort to produce the most up to date report possible. The audit where relevant and where information was provided by the diocese include allegations in relation to incidents alleged to have occurred in Northern Ireland. Allegations were assessed and categorised based on the Church guidance that was in operation at the time the allegation was received by dioceses, and allegations pre- 1996 were reported as factual statement.

The approach taken by the HSE to assess the policies and procedures in operation in each diocese as of November 30<sup>th</sup> 2011, and to measure them against the standards and criteria set out in current Church guidance, *“Safeguarding Children – Standards and Guidance Document for the Catholic Church in Ireland 2009”* (generally referred to in this report as *Safeguarding*). Safeguarding provides an assessment tool as part of its guidance which was used to assess each diocese. The diocesan audit returns and any supporting documentary evidence supplied were measured against each of the key criteria in Safeguarding and additional aspects of best practice with a discursive narrative provided for each diocese.

### **Limitations of the Audit**

It is clear from the foregoing that, since the Minister made his initial request of the HSE, the process for conducting the Church Audit has evolved with the passage of time. These delays and impediments to the Church Audit process have come from various sources. Legal issues required the initial questionnaire to be adapted which delayed the early stages of the Church Audit. This also resulted in the first Church Audit report comprising mainly a review of policies and procedures which did not adequately satisfy the Ministerial request. Following the publication of this report in 2009, work on the Church Audit resumed with urgency and Audit Questionnaire Section 5 on allegations of child sexual abuse was issued to

all dioceses and responded to within a year. The third request for information that issued to all dioceses in December 2009 resulted in an agreed, additional delay to the completion of the report on the basis that it would ensure that the final audit report was meaningful and fully satisfied the terms of the Ministerial request. Furthermore, the cross-referencing of allegations information with An Garda Síochána and with HSE records has been an exacting and time-consuming exercise due to the emphasis being placed by both agencies on accuracy in cross-referencing information.

Aside from the legal and time delay impediments, it must be emphasised that the Church Audit is not statutory in nature and is a voluntary process which relies on the goodwill of Church leaders. The HSE did not have the power to compel Church authorities to comply with the audit, nor did it physically examine diocesan files. The purpose of the Church Audit is not to establish whether child sexual abuse actually took place, but rather to assess if dioceses are complying with Church guidance and best practice in the area of child protection, which includes the reporting of allegations known to dioceses to the civil authorities.

The issue of inclusion of allegations from the period pre Church guidance (pre-1996) has been a contentious issue for some of the dioceses on the grounds that records from that period were limited or unavailable or not required. It has been a concern that information therefore concerning such allegations may be incomplete or misleading. The audit has recognised that in the period pre guidance specific reporting time frames were not issued and have reported the data as factually as possible and have made no judgment as to the time taken to report in this period. The audit has found from the introduction of church guidance significant improvements have been evidenced in the practice of recording and reporting.

## **Church Audit Overview**

### **Policies and Procedures**

In the introduction to Safeguarding it states that an objective of the document is to address the situation of a *“multiplicity of guidance which contains different interpretations of what represents best practice for the Church”*. A further objective is cited to be *“to provide a practical mechanism by which everyone in the Church in Ireland can reach a uniform standard of best practice in safeguarding ...”* This report has found that these objectives have been met in part however while improving Safeguarding is being interpreted inconsistently across dioceses and implemented to varying degrees. While a small number of dioceses have comprehensive child protection policies that are substantially compliant with Safeguarding, some dioceses were found to be partly compliant. While the principles enshrined in Safeguarding are sound and are in keeping with State guidance, the document has not been successfully implemented in all areas resulting in an unequal application of the principles contained therein to a satisfactory standard across all dioceses.

The key criteria contained in Safeguarding are being implemented by a majority of dioceses, but it is a work in progress and some areas have made significant progress helped in no small measure by their engagement with the National Safeguarding Board.

### Reporting of Allegations

579 allegations in relation to 189 priests were notified to the 24 dioceses that were the subject of this audit. The diocesan audit returns indicate that 31 diocesan priests have been convicted of child sexual abuse.

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Allegations relating to Northern Ireland</b>	<b>32</b>
<b>Republic of Ireland:</b>	
<b>Notified to diocese by HSE</b>	<b>30</b>
<b>Notified to diocese by AGS</b>	<b>51</b>
<b>Could not be categorised</b>	<b>87</b>
<b>Reporting duration could be categorised</b>	<b>411</b>
<b>Total allegations (Republic of Ireland)</b>	<b>579</b>

Table 6.2 - Summary of allegations data provided by all dioceses

### Quality of allegations data provided by dioceses

The quality of allegations data provided by dioceses varied considerably. The statistics generated are based on voluntary returns from dioceses. The HSE did not conduct a physical examination of diocesan files. However, efforts were made to verify the information provided by dioceses insofar as it was practicable.

Information returned from all dioceses was cross-referenced with records held by the HSE and by An Garda Síochána. 30 allegations were classed as being not analysable on foot of cross-referencing.

Audit returns from 2006 were compared with the more recent returns to check if earlier submissions were complete and accurate. In particular, responses in 2006 to the question in Appendix A were examined:

“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”

In their responses to this question in 2006, a number of dioceses responded with an unqualified yes. However, in some cases, the 2009 audit returns showed that allegations that were said in the 2006 questionnaire responses to have been reported without delay, were not.

### Quality of reporting information provided by dioceses

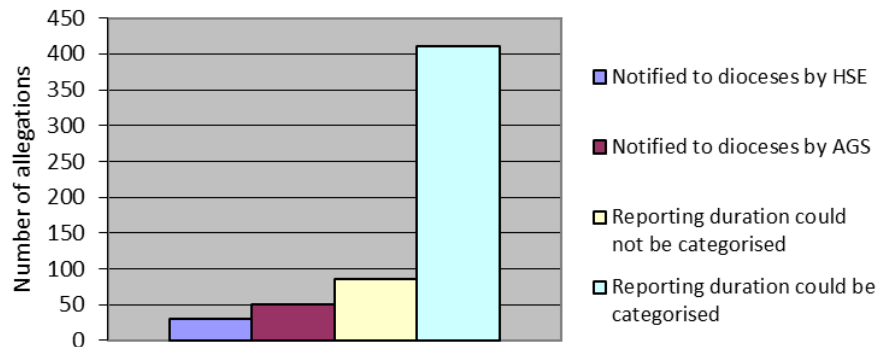


Table 6.3 – Quality of allegations data provided by all dioceses

85 of the 579 allegations (15%) that fell within the remit of the audit could not be categorised with certainty in terms of the time taken for them to be reported to the civil authorities. 81 (14% of the total 579) were notified to the dioceses by the civil authorities and so the matter of the dioceses reporting them to the authorities did not arise.

### Analysis of time taken by dioceses to report allegations

Of the 411 allegations that should have been reported to the civil authorities 60, or 15%, were reported with immediacy. Thus varying time periods or a failure to report in 351 cases (85%). The longest period in reporting during the Safeguarding period was in the region of four months.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				Total Allegations Post 1-Jan-1996
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	
1-3 days	1	24	14	21	59
4 to 7 days	3	17	7	5	29
1 week to 1 month	7	39	14	8	61
1 month to 1 year	6	39	21	10	70
1 to 5 years	13	19	8	0	27
5 to 10 years	6	22	0	0	22
10+ years	50	13	0	0	13
Not reported	30	13	1	0	14



Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
<b>Total</b>	<b>116</b>	<b>186</b>	<b>65</b>	<b>44</b>	<b>295</b>

Table 6.4 - Time taken by dioceses to report allegations by Church guidance period

175 of the 411 categorisable allegations (43%) which dioceses should have reported took either more than one year to report or were not reported at all. Following the introduction of Church guidance, the proportion of such allegations which were unreported after one year was 26%. A significant portion of these, 88%, were first notified to dioceses during the Framework period and in fact 36% of allegations notified during that period were unreported after one year. It is understood that shortly after the introduction of the Framework document the Papal Nuncio wrote to all bishops in Ireland to advise that some of its elements appeared to be contrary to canonical discipline. The report of the Commission of Investigation into the Catholic diocese of Cloyne (December 2010) (generally referred to in this report as *“The Murphy Report 2010”*) states that *“There can be no doubt that this letter greatly strengthened the position of those in the Church in Ireland who did not approve of the Framework Document as it effectively cautioned them against its implementation.”*

The table below shows the numbers of allegations notified to dioceses which fell to them to report. Although there were fewer such allegations notified to the Church during the Safeguarding period than during earlier Church guidance periods, Safeguarding spans a period of just under a year and a half, whereas Our Children Our Church and the Framework periods covered just over three years and almost ten years respectively. The notification rate using either measure was higher during the Safeguarding Period than previously (see Table 6.5).

Church Guidance Period	Length in Years	Allegations falling to dioceses to report	
		Number	Per year
Framework	9.02	186	20.6
Our Children, Our Church	3.21	65	20.2
Safeguarding	1.43	44	30.8

Table 6.5 – Allegation rates by Church guidance period

Ten out of 44 allegations took more than one month to report during the Safeguarding period and of these, the longest period was some four months. While still not in keeping with Church guidance, this is a significant improvement on the speed of reporting when compared with the earlier periods.

### Notification of cases to An Garda Síochána and the HSE

It appears that the Joint Protocol was misinterpreted by a number of dioceses. Some nine reported allegations to An Garda Síochána but not to the HSE on the understanding that An Garda Síochána were required to notify the HSE. In fact the Joint Protocol did not require An Garda Síochána to notify the health authorities other than in certain circumstances. It states that *“it is not intended that the Gardaí should notify the Health Board of cases of physical or sexual assaults against children which involve issues of law enforcement only, such as the assault of a child by a stranger, unless such cases give rise to child protection questions”*. As a result of this misinterpretation, Church guidance was not followed in these cases. The dioceses may have felt that there was no child protection concern, for example where a priest was out of ministry, although no such reason was provided by any diocese in the audit returns.

The reverse also occurred whereby seven dioceses reported allegations to the HSE only but not to An Garda Síochána until a number of years later. The reasons provided in these cases did not refer to the Joint Protocol. In some instances the complainant had reportedly already contacted An Garda Síochána or was not willing to come forward. In others it was stated that there was not enough detail or that the concern was vague.

### When incidents were notified to dioceses

The date on which dioceses were notified of allegations was requested from dioceses and this was provided in respect of most allegations. The following chart shows that the peak notification year for allegations of child sexual abuse was 2002, with 70 alleged cases.

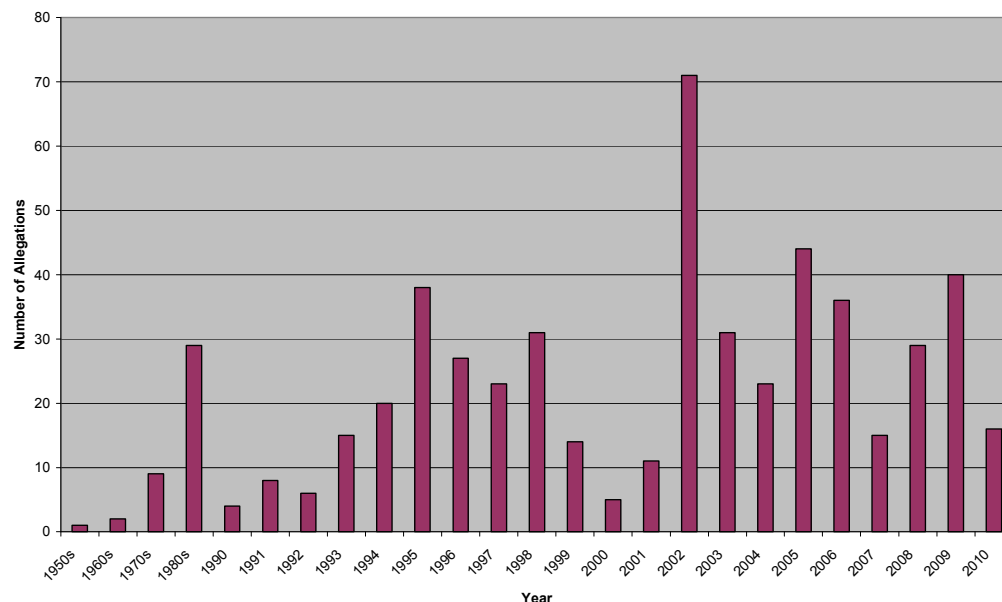


Chart 6.7 - Number of allegations notified to dioceses by year

Six of these were notified from January to March 2002 (two per month on average) with the remaining 64 between April and December (over seven per month). The notification rate for 1999 to 2001 was less than one per month, whereas that for 2003 to 2005 was over 2.5 per month. This suggests that the high notification rate between April and December 2002 was at least in part a "catching up" exercise, making up for under-reporting in previous years.

The year in which the next greatest number of allegations (44) was notified to the dioceses was 2005. 18 of these (41%) were notified following the publication of the Ferns Report in October 2005. 18 of the 36 (50%) allegations notified in 2006 were notified in the first three months of that year.

18 allegations of the 40 (45%) that were notified to the dioceses in 2009 were notified after the publication of the Dublin Archdiocese Commission of Investigation report at the end of November.

It would appear that there was a significant increase in the rate of notifying allegations immediately following the publication of both the Ferns and Dublin Archdiocese Commission of Investigation reports.

**Reasons provided by the diocese for time taken to report to the civil authorities**

A number of allegations went unreported by dioceses because complainants notified the authorities directly themselves. In many other cases, the time taken to report was determined at the complainants' request. It was stated that some complainants were invited to make a formal complaint but would not do so. Some allegations were eventually reported against complainants' wishes. The time taken was often explained by dioceses taking time to ascertain either the identity of the complainant or that of the alleged-against priest. Some allegations came to the attention of dioceses through third parties, for example a complainant might name another individual that he/she thought might also have been abused. In such cases it appears that dioceses would seek to identify and contact the person concerned. Anonymous allegations were, in general, not reported to the civil authorities. Some allegations came to the attention of the diocese through admissions by priests and were not notified for some time due to the confidential nature of the submission, for example during a submission for laicisation from the priesthood. In a number of cases, the allegation was not deemed credible, or not serious enough to constitute abuse. Where allegations were notified to dioceses by solicitors, often the diocese did not notify the civil authorities of the allegation.

As noted above a number of allegations were notified to either the HSE or An Garda Síochána with the presumption that the 1995 Joint Protocol was operative whereby the civil authorities would notify each other of allegations of child sexual abuse.

### Distribution of allegations against priests

There was a very wide variation in the numbers of priests that have had one, two, three, and so on, allegations made against them. For example, one priest has had over 40 allegations made against him and over 100 priests have had one allegation made against each.

### Ministry status of priests with allegations

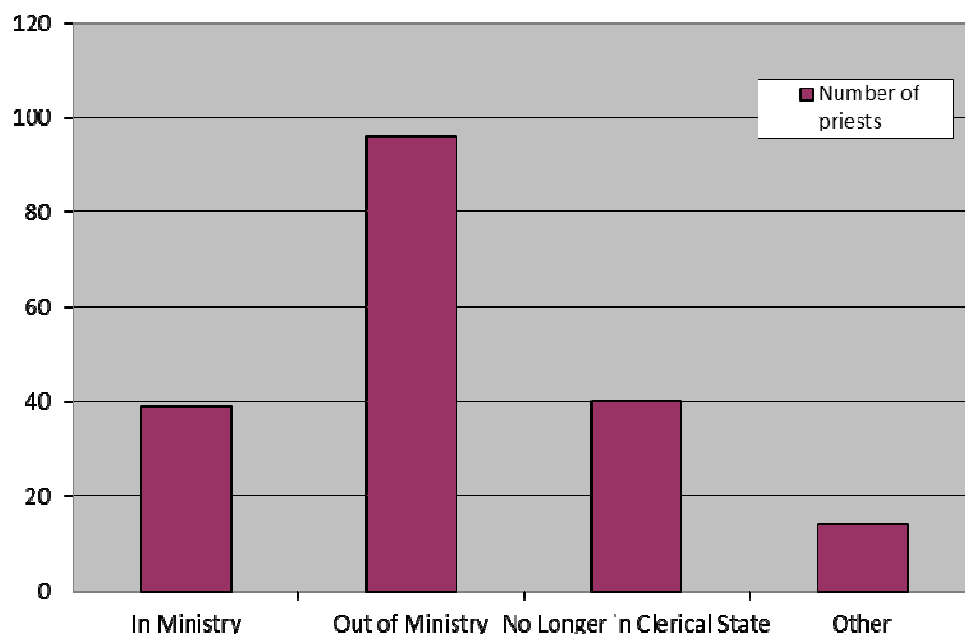


Chart 6.8 – Ministry Status of Alleged-against Priests

45 allegations have been made against 39 priests in ministry. 261 have been made against 96 priests now out of ministry. 253 have been made against 40 priests no longer in the clerical state. There were 19 allegations against 14 priests whose ministry status is categorised as “Other”, for example, where the alleged incident took place elsewhere in the world or the priest was not incardinated to the diocese which made the returns and is no longer resident there.

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	39	45
Out of Ministry	96	261
No longer in the clerical state	40	253
Other	14	20
<b>TOTAL</b>	<b>189</b>	<b>579</b>

Table 6.7 – Ministry Status of Priests and Number of Allegations

**Deceased priests**

At least 203 allegations have been made against 99 deceased priests. This is a minimum number as some diocese stated the number of alleged-against deceased priests but did not state how many allegations were made against each.

**Overall Findings**

The findings of this audit refer to the period up to November 31<sup>st</sup> 2011, we note that evidence affirms that many of the dioceses have continued to develop and implement their safeguarding strategies into 2012. In some dioceses developments in the first quarter of 2102 have been substantive. Sadly these developments were outside the timeframe specified in the audit period and are not commented up substantively, but should be recognised.

Of note the practice of responding to immediate risk to children in the community was found to be generally good and is prioritised with prompt action taken by bishops to remove priests from ministry where allegations have been made, this is particularly evident in the archdioceses of Dublin and in Kilmore. Generally it has been attended to promptly by all dioceses and accounted for the majority of cases which were reported within 1 to 3 days to the civil authorities. Cases reported to the authorities outside of this period tended to refer to retrospective allegations where no immediate risk to children was determined.

A number of dioceses performed well across the areas that were assessed in this audit. Overall over the course of the audit substantial improvements have been made to enhance diocesan ability to enhance the safeguarding of children. These dioceses had policies and procedures that were of a good standard, or approached a good standard; the number of allegations and alleged-against priests were below average; allegations notified to such dioceses during or after the Our Children, Our Church period since 2005 were reported with immediacy or if it took longer to report these periods were not numerous or lengthy and a reasonable justification was provided; the information provided was of good quality and capable of being analysed, and the audit returns made appeared comprehensive.

Dioceses that deserve particular mention for performing well across all of the above categories are the dioceses of Armagh, Waterford & Lismore, Clonfert, Elphin and Dublin. Significant improvements found in both Kilmore and Killala. The dioceses of Limerick and Kerry are making steady progress and are encouraged to continue with their efforts. The diocese of Kildare & Leighlin was found to have demonstrated examples of good practice over a consistent period.

Some dioceses, however, did not perform satisfactorily across the above key areas. Some had policies and procedures which did not fully meet the Standards and Criteria established

by the National Board for Safeguarding Children in the Catholic Church. The shortcomings identified are not numerous and do not reflect any unwillingness on the part of diocese to put good safeguarding systems in place. It is a case of recognising that some diocese have been able to move quicker to achieving the high standards now set for them while others are still on that journey and have some outstanding issues to address.

Where there were notable Safeguarding deficiencies in the dioceses; it was a result of poor data collection, poor standards of record keeping and inconsistent application of reporting procedures. Whilst improving inadequate collection and retention of data was found in the dioceses of Meath and Raphoe and Ossory. As mentioned earlier whilst all diocese have made vast improvements in the task of reporting concerns to civil authorities, some areas still have significant work to do to improve their processes to meet the required standard consistently.

The audit has found that significant progress has been made in the design and implementation of the Safeguarding Standards during 2010, dioceses were found to have dedicated additional resources including the employment of lay safeguarding personnel to these tasks. While evidence suggests all dioceses are working toward full implementation of the standards, the process will benefit from ongoing attention to detail and attention to the procedural and recording elements of the safeguarding tasks.

It is clear from the findings of this audit that the Ferns Inquiry did not immediately result in the diocese adapting its policies and procedures to keep up to date with current Church guidance as expected. Ferns have made some notable improvements particularly in 2011/2012. Similarly, it took some twelve months from the publication of the report of Commission of Investigation into allegations of child sexual abuse in the archdiocese of Dublin, before a comprehensive child protection policy and reporting procedure was fully implemented; again however progress is evidenced as ongoing and progressive. However it should be noted that the commission was satisfied upon its completion that many improvements had been made regarding the matter of reporting of allegations which has been borne out by this audit.

This report has found therefore, that enquiring into matters of the past in dioceses has not necessarily resulted in a prompt or immediate response by those dioceses in putting the requisite procedures in place to ensure that children are safe into the future. The impact of enquires are considerable and this is not to imply that evidence suggests that the diocese referred failed to seriously address all recommendations but simply a comment on the time taken for full implementation of improved safeguarding frameworks.

The deficiencies in all dioceses that have been highlighted by this report are being addressed and the ongoing protection of children today was found to be a priority. Therefore, this report recommends that the State applies its resources to intervene and work with all dioceses in a systematic way to address the shortcomings outlined. The dioceses where shortfalls exist should be prioritised in this regard. This recommendation might be achieved

through closer monitoring by the State of dioceses, including a requirement for them to report regularly on matters such as the progress being made in achieving an acceptable standard of compliance with agreed safeguarding standards and practices, as well as reporting on the number of allegations made and the actions taken by the Church in relation to each. An initial 'hands-on' approach of proportionate intervention on the part of the State is envisaged until such time as there has been a dramatic and demonstrable improvement in child protection practices across all dioceses. It is also recommended that Church resources be devoted to this developmental activity.

This audit found that a number of criteria set out in the Safeguarding document were being developed or implemented by a number of dioceses. This report supports the view that the National Board for Safeguarding Children in the Catholic Church (NBSCCC) continues and is supported in its work to ensure that the criteria in question are fully met to an adequate standard by all dioceses, and remain subject to ongoing monitoring.

It is clear that since the issue of the Standards and Guidance Document that all dioceses have undertaken reviews of their safeguarding of children arrangements. This has resulted in all dioceses having a new set of Policies and Procedures in place. All dioceses have committed significant resources to the implementation of the Standards and Guidance as witnessed by:

- The recruitment, by some, of professional Directors of Safeguarding
- The investment in training of thousands of parish representatives and the provision of training for those with special responsibilities
- The production of high quality publicity material and booklets for the public and others
- The communication of the safeguarding message through printed matter and web sites
- Interagency arrangements, for most, with the Health Service Executive and An Garda Síochána.

Another striking feature of the arrangements now in place in the dioceses is the number of individuals who have committed themselves to work in various roles in safeguarding children. These volunteers have taken their responsibilities seriously as

evident by their willingness to undergo a selection procedure and attend training events.

It is clear from the audit that all dioceses undertook their reviews individually, although some did consult with other dioceses on certain aspects. This has resulted in considerable differences of approach with some adhering to the Standards and Guidance document very closely to produce locally appropriate policies and procedures. These are seen as models of best practice. Others adopted a more minimalist approach and saw the Standards and Guidance Document as the policies and procedures to be adopted. This has led to some significant gaps in the information available in some dioceses and the recommendations in respect of each are designed to highlight where improvements are needed.

## **Conclusion**

The limitations of this audit have been outlined in this report. In particular, diocesan files were not physically examined and the audit process was voluntary, relying on the co-operation and goodwill of bishops. Therefore, the statistics generated in this report are largely based on audit returns made voluntarily by dioceses. While this information was cross-referenced with the records of An Garda Síochána and of the HSE, it was not possible to check the files of the civil authorities to see if additional allegations known to them were not included by dioceses in their returns. In the case of one priest, additional allegations known to An Garda Síochána but not included in the diocesan audit returns that came to the attention of the HSE. These allegations are described earlier in this report. In another instance, an internet search revealed that two allegations that should have been included in the audit returns for another diocese were not. These examples demonstrate the limited capacity of this audit to comprehensively state that all allegations made against priests or known to dioceses have been included. Notwithstanding this limitation, this audit has been able to glean a reasonable overview of the compliance by dioceses with their policies and procedures thereby establishing whether or not there is a prima facie case for the Minister to refer a diocese to the Commission of Investigation.

## **Summary of Strategic Recommendations**

- This report recommends that a single child protection policy should be provided for all dioceses and maintained by a central body such as the NBSCCC. The HSE recommends that the NBSCCC should have a stronger role in assisting dioceses to implement the policy and establish the requisite diocesan structures. The position in the Catholic Church of England and Wales is cited as an example in this regard.
- This report recommends that the Catholic Church must endeavour to implement Children First 2011 in full. This strategy for the management of future allegations will serve to ensure that the civil authorities and the Church will have a clear



unambiguous framework which will address the previously existing impediments to reporting.

- The impending legislation on deemed “soft information” and the statutory instruments concerning Children first should further explicitly address the legal position regarding the reporting and investigation of all allegations of child abuse.
- The cross-referencing exercise that was undertaken as part of the Church Audit revealed that records kept by the HSE, An Garda Síochána and dioceses were not easily aligned. Moving forward information recording systems and data collection methodologies should be agreed and devised to facilitate better co-ordination between all three parties. At present, the HSE files allegations information by complainant name, whereas An Garda Síochána files allegations information by the name of the accused. In dioceses there was a huge variation in the quality of allegations information stored by dioceses. This rendered cross-referencing more difficult than it might have been if a co-ordinated record-keeping system was in place.
- Examining the policies and procedures that are in place for the protection of vulnerable adults that are in contact with the Church was not part of the terms of reference of this report. However, there are similarities from a safeguarding perspective between vulnerable adults and children. Church safeguarding policies and procedures should be extended to include the protection of vulnerable adults who are in contact with the Church. Such vulnerable adults would include the elderly and persons with mental health and learning disabilities who are in care or in the community.

## 4. METHODOLOGY

### Introduction

There are two aspects to the Church audit. The first is a retrospective aspect which examines how each diocese responded to allegations of child sexual abuse in the past. The second is a forward-looking aspect which examines how each diocese is prepared, in terms of the policies and procedures that each has in place, to both handle allegations of child sexual abuse and to prevent the possibility of any child being sexually abused in the future. As already described, this audit was completed by questionnaire and did not involve an on-site examination of diocesan files.

### Materials the subject of this audit report

The materials examined for this audit report were:

- The response to Audit Questionnaire Appendix A returned by dioceses to the HSE during the period 1<sup>st</sup> January 2010 to July 31<sup>st</sup> 2010;
- Policies and procedures documentation returned by dioceses to the HSE as part of their response to Audit Questionnaire Appendix A during the period 1<sup>st</sup> January 2010 to July 31<sup>st</sup> 2010;
- The response to Audit Questionnaire Section 5 returned by dioceses to the HSE during the period 1<sup>st</sup> January 2010 to July 31<sup>st</sup> 2010;
- The response to the Section 5 Verification Document, returned by dioceses during the period 1<sup>st</sup> January 2010 to July 31<sup>st</sup> 2010;
- Correspondence from dioceses in relation to the audit during the period 1<sup>st</sup> January 2010 to July 31<sup>st</sup> 2010;
- Factual Accuracy Responses received in respect of draft report October 2011.
- Responses to updated Questionnaire Template Issued December 2011.
- Factual accuracy and submissions made to draft diocesan section reports issued June 2012.
- Diocesan websites were also consulted.

The findings of this audit are based primarily on the above material (generally referred to in this report as “*diocesan audit returns*”), with two issues of note.

The first is in relation to allegations information submitted by dioceses. Where appropriate, commentary is provided in relation to any differences between the diocesan audit returns of 2010 & 2011 and responses to Audit Questionnaire Section 5 as submitted by dioceses in 2009. Differences of note include where allegations which were known to dioceses in 2009 but not included in the response to Audit Questionnaire Section 5 in that year, were subsequently included in the diocesan audit returns of 2010.

The second is in the case of policies and procedures. Commentary is made where substantial changes were found to have been made to policies and procedures submitted as part of the diocesan audit returns of 2010 and 2011 by comparison with those submitted in the initial audit in 2006.

### **Policies and Procedures**

The minister's original request was to ask the HSE to "*commence an audit of child protection practices and compliance with the [Ferns] report's recommendations*". In attempting to satisfy this request, the approach taken by the HSE was to measure the policies and procedures in operation in each diocese against the standards and criteria set out in current Church guidance, Safeguarding.

The NBSCCC was established in 2006 by the Irish Bishops' Conference, the Conference of Religious in Ireland and the Irish Missionary Union with the remit of advising these three sponsoring bodies on best practice relating to child protection policies and procedures. Safeguarding was commissioned by the NBSCCC and it states therein that it is the "*First and only point of reference for all those with responsibility for implementing the Church's safeguarding policy and procedures*". The document also states that it is "*The definitive reference for all those involved in safeguarding children within the Church across the island of Ireland*".

The principles set out in Safeguarding are in line both with the recommendations of the Ferns report and with State guidance, Children First. It was also deemed appropriate to measure dioceses against Safeguarding in view of the fact that each diocese signed a Memorandum of Understanding with the NBSCCC committing all parties to the full implementation of Safeguarding provisions and full co-operation with the Gardaí and HSE in relation to any allegations of abuse against church personnel.

Safeguarding provides an assessment tool as part of its guidance which was used in this audit to assess each diocese (Appendix 21). The diocesan audit returns were measured against each criterion in Safeguarding and on foot of that analysis were categorised as having either fully satisfied, partly satisfied or not satisfied each criterion.

The outcome of this assessment for each diocese is contained in a graph in the *Audit Findings – Overview* chapter. It is also illustrated for each diocese in the policies and procedures sections of the *Audit Findings – Diocese* chapter. In this chapter, the performance of dioceses is illustrated for a sample of criteria for each Safeguarding standard. These sections should be read in conjunction with the Safeguarding standards and criteria provided in Appendix 21.

### **Recommendations of the Ferns Report not covered by Safeguarding**

Recommendation F6 of the Ferns Report relates to the appointment of chairpersons to Boards of Management of national schools:

“The Inquiry believes that the appointment as Chairman of the Board of Management of national schools which is at the discretion of the Bishop and which is usually, the local curate or parish priest, should be made with utmost care and diligence. As will be obvious from the allegations set out in this Report, some priests appear to have abused their position as Managers of national schools in order to access children. The powerlessness of children in such a situation was particularly acute and the Inquiry would urge all concerned to ensure that such situations as are described in this Report are prevented as far as possible.”

This recommendation is not specifically referenced in Safeguarding and is dealt with separately in this report.

### **Information on the Reporting of Allegations of Child Sexual Abuse**

All dioceses were requested to submit information on the reporting of allegations of child sexual abuse to the civil authorities (i.e. the HSE and An Garda Síochána). The definition of child sexual abuse was provided in Audit Questionnaire Section 5:

“The term allegation of child sexual abuse is defined as a report or account, either written or verbal of actual or suspected abuse or inappropriate sexual behaviour where there are reasonable grounds for concern that a child may have been, or is being sexually abused, or is at risk of abuse (including retrospective disclosure by adults).”

“Reasonable grounds for concern” is as defined in Children First.

The specific allegations information (generally referred to in this report as “the allegations data”) requested was:

- The name of the accused priest;
- The name of the complainant;
- The date the diocese was first notified of the allegation;
- The date on which the HSE was notified by the diocese of the allegation;
- The date on which An Garda Síochána was notified by the diocese of the allegation;
- The diocese’s reason for the time taken in reporting the allegation to the civil authorities.

In analysing the allegations data, the HSE sought to ascertain, in circumstances where the dioceses were notified of allegations of child sexual abuse:

1. During what period of Church guidance was each allegation received by a diocese?
2. Did dioceses report these allegations to the civil authorities?
3. The time taken on the part of dioceses to make reports?
4. What was the reason for the time taken to report ?

## Reporting to An Garda Síochána and the HSE

Since the introduction of the Framework document in 1996, all dioceses were required to report all allegations to the then Health Boards.

In April 1995 the document *“Notification of Suspected Cases of Child Abuse between Health Boards and Gardaí”* (generally referred to in this report as *“The Joint Protocol”*) was published whereby the then Health Boards were required to formally notify An Garda Síochána where it was suspected that a child had been sexually abused. Similarly, An Garda Síochána was required to notify Health Boards of allegations in certain circumstances.

The audit returns indicate that many dioceses interpreted the Joint Protocol as requiring both An Garda Síochána and Health Boards to notify each other of allegations of child sexual abuse. While the Joint Protocol required Health Boards to notify all allegations to An Garda Síochána, the reverse did not apply. An Garda Síochána was not required to report cases that involved matters of law enforcement only, i.e. where there was no child protection concern. This interpretation of the Joint Protocol resulted in some allegations being reported to An Garda Síochána only, in the mistaken belief that An Garda Síochána was required to notify Health Boards.

For the purpose of this audit, where a diocese has notified both civil authorities of an allegation but on different dates, the earlier date is used to calculate the time taken to report. For example, if the diocese was notified of an allegation on the 1<sup>st</sup> March 2006, the HSE was notified on the 3<sup>rd</sup> of March 2006 and An Garda Síochána was notified on the 25<sup>th</sup> February 2010, then the dates used to calculate the time taken would be the 1<sup>st</sup> March 2006 and the 3<sup>rd</sup> of March 2006.

## Quality of Data & Categories

The quality of allegations data varied considerably. In some instances full dates were not provided, or the information provided was ambiguous which meant that the time taken to report the allegation by the diocese could not be measured accurately. As a result of the variation in data quality and to account for circumstances where the civil authorities notified dioceses of allegations and reporting by dioceses did not arise, it was necessary to subdivide the allegations data into four categories to facilitate analysis:

### 1. “N/A”

The allegations data categorisation of “N/A” was applied to those allegations where either civil authority notified the diocese of an allegation. This is because the time taken in reporting to the civil authorities could not arise where the diocese was first notified of the allegation by either civil authority. Therefore this category of allegation was excluded from calculations on time taken to make reports.

**2. “Not Analysable”**

Allegations where the details provided were vague and could not be analysed with a reasonable degree of certainty were excluded from calculations of delay. This was to ensure that calculations of time taken in reporting by dioceses were not contaminated where incomplete dates or ambiguous information was provided and to avoid potentially ambiguous information being interpreted incorrectly. This also applied where HSE records were found to be incomplete. The categorisation of “*Not Analysable*” was applied to such allegations data. Allegations that have been categorised as “*Not Analysable*” are described in the narrative for each diocese.

**3. “Valid data”**

A categorisation of “*valid data*” was applied to those allegations for which complete dates and sufficient details were provided to allow the time taken by the diocese to report to the civil authorities to be calculated with accuracy.

**4. “Deduced valid data”**

In some cases, the allegations data fell short of being complete, however it was still possible to deduce the reporting duration category (as described in further detail below) with accuracy from the allegations data provided. This allegations data was categorised as “*deduced valid data*”. For example, where an allegation was notified to a diocese in 1986 and notified to the civil authorities in 1998, it was possible to deduce with accuracy that the reporting duration was over 10 years. Similarly where an allegation was said to have been notified to a diocese on, for example, the 10<sup>th</sup> November 2005 and reported in November 2005, a reporting duration category of “*1-4 weeks*” was imputed.

**CALCULATIONS ON TIME TAKEN TO REPORT ALLEGATIONS TO THE CIVIL AUTHORITIES****Method of calculating time taken to report**

The time lapsed between two dates was calculated on the basis that day one was the day after the diocese was notified of the allegation and the last day was the day that the diocese notified the civil authorities. Using the example of an allegation notified to the diocese on the 1<sup>st</sup> of March and reported on the 3<sup>rd</sup> of March: day one was the 2<sup>nd</sup> of March and the last day was the 3<sup>rd</sup> of March. The period of reporting was two days. Sundays, Bank Holidays and Church holidays were not treated differently to working days in calculating the number of lapsed days. However, days such as Sundays and Bank Holidays are somewhat accounted for by Children’s First working definition of “*without delay*”. Immediacy for the purpose of this audit is within a three day period which means that the reporting duration category of “*1 to 3 days*” would apply to an allegation that was received on a Friday and was notified on a Monday, or to an allegation that was received on Christmas Day and notified on the 28<sup>th</sup> of December. This categorisation allows for interpretations of immediate reporting to include “*within one working day*” and follows Children First which

requires allegations of child sexual abuse to be notified “*without delay*”. For the purposes of this report the matter of “1 to 3 days” will refer to a case where the allegation received was reported with reasonable immediacy. These time frames are utilised to allow statistical analysis of the management of the reporting process, complexities regarding the reporting of cases have been acknowledged where known about.

### **Reporting Duration Categories**

For those allegations where there was a notified time lapse outside of the periods identified in the applicable guidance documents on the part of dioceses in making reporting to the civil authorities, the time taken to report were categorised by duration. The following duration categories have been applied to the allegations data received:

- 1-3 days
- 4 to 7 days
- 1 to 4 weeks
- 1 to 12 months
- 1 to 5 years
- 5 to 10 years
- 10+ years
- Not reported

In some instances, dioceses did not notify allegations to the civil authorities where the allegation had already been notified to the civil authorities by complainants. In other instances, the dioceses directed the complainant to report the allegation themselves directly to the civil authorities. In such circumstances, this allegation is categorised under the “*Not reported*” category because this audit is assessing the action of *dioceses* in terms of reporting to the civil authorities. These duration categories are determined by factual information of the time taken and where provided the reasons for the duration taken has been commented upon in the findings section of this report. This methodology as mentioned earlier in the report has proven controversial as it was felt by the dioceses that it was not an accurate measure of the complexity surrounding the task of allegation reporting, many of the diocese have purveyed the view that it wasn’t possible to put civil authorities on notice of some allegations as they were anonymous or somewhat incomplete at the time of initial contact. Whilst accepting that the dioceses attempted to manage information received sensitively on a case by case basis, this audit methodology was designed to capture the collective factual position. To report on cases individually would risk identifying individuals and was outside the scope of this audit.

## Church Guidance Period

Allegations data was also categorised by the Church guidance that was operative at the time the diocese was first notified of each allegation. In this report, the period during which the Framework document was operative was from 1<sup>st</sup> January 1996 to the 7<sup>th</sup> December 2005 and is referred to as the *“Framework Period”*. Similarly, Our Children, Our Church was operative from the 8<sup>th</sup> December 2005 to the 23<sup>rd</sup> February 2009 and is referred to as the *“Our Children, Our Church period”*. The *“Safeguarding period”* refers to the period from the 24<sup>th</sup> February 2009 to the 31<sup>st</sup> July 2010.

## Cross-referencing of Allegations with HSE and An Garda Síochána records

The allegations data provided by dioceses was cross-referenced with the records of both the HSE and An Garda Síochána. Cross-referencing by An Garda Síochána was carried out to confirm or otherwise that a record of the allegation was held by An Garda Síochána, because An Garda Síochána or HSE was not in a position to verify reporting dates. Where An Garda Síochána confirmed that it had a record of the allegation in question, it was assumed for the purpose of this report that the date provided by the diocese for reporting to An Garda Síochána had been confirmed.

In conducting its cross-referencing exercise, the HSE compared the dates on which dioceses stated that they had reported each allegation to the HSE with HSE records.

In some instances, the findings of cross-referencing were inconclusive, for example where the identity of the complainant or the accused, as provided by the diocese, could not be confirmed by either the HSE or An Garda Síochána, but reporting of the allegation itself could be confirmed. In many of these cases, this did not affect the duration category applied. In cases where the allegation was first notified to one authority which could not confirm the details of the allegation as reported, the allegation was deemed to be *“Not analysable”*. This was because the inconclusive finding of cross-referencing meant that it was not possible to comment on when the allegation was first notified to the civil authorities and to rely on the date of notification to the second civil authority might not be an accurate reflection of when the allegation was first reported.

In other instances, cross-referencing conclusively confirmed that there was no record held by the civil authority in relation to the allegation in question.

## Reasons for Time Taken to Report Allegations to the Civil Authorities

The reasons provided by the dioceses for the time taken to report allegations varied. In some instances, dioceses provided detailed reasons together with contemporaneous letters and file notes. The rationale for the time taken to report to the civil authorities was clear, even if it was not in keeping with the Church guidance of the time. In other instances, a reason was not provided, or the reason for the time taken was not possible to deduce from the information given. Reasons provided by dioceses for the time taken to report are described in the narrative on each diocese. It should be noted that every attempt has been



made to preserve the anonymity of all concerned and the audit has not extended to explaining the specifics in each case of an identified allegation. Many of the reasons presented were viewed by the diocese as not unreasonable such as cases where allegations were made anonymously where the alleged victim was not identified or where the diocese was provided with minimal identifying information. However the task identified considerable varying interpretation of what amounted to reasonable grounds for reporting, and considerable confusion as to the rights of a complainant to determine reporting processes especially in the case of retrospective disclosures.

## **Categorisation of Allegations on the basis of Priest Ministry Status**

Priests that are incardinated in dioceses are subject to the authority of the bishop of that diocese. This report concerns priests that are incardinated in dioceses. Allegations in relation to non-diocesan clergy will be the subject of the audit of religious orders, congregations and missionary societies. Priests that are incardinated in one diocese can be loaned to other dioceses and minister there. Priests in ministry include priests whose ministry is restricted. Priests that are out of ministry include priests that are on administrative leave and priests that are retired.

### **Priest ministry status**

Dioceses were asked in Audit Questionnaire Section 5 to provide the number of allegations applying to the categories of priests listed below. The questionnaire specifically stated that

“This grid refers to allegations of child sexual abuse alleged to have taken place in the Republic of Ireland. It relates to those who at the time the child sexual abuse allegedly occurred were incardinated priests/deacons of the Diocese or priests/deacons (who are still living, including those retired) from other dioceses ‘on loan to’ or resident in the Diocese.”

Therefore, the allegations to be included in the audit returns of each diocese related to child sexual abuse that was alleged to have occurred in the diocese for the following categories of priest:

- Incardinated priest in ministry in the diocese in which he is incardinated;
- Incardinated priest out of ministry in the diocese in which he is incardinated;
- Incardinated priest in ministry outside the diocese in which he is incardinated;
- Incardinated priest out of ministry and living outside the diocese to which he is incardinated;
- Incardinated priest no longer in the clerical state;
- Priest that is not incardinated in the diocese in which he is ministering;
- Priest that is not incardinated in the diocese in which he resides and is out of ministry;
- Priest that is not incardinated in the diocese and that was once on loan to the diocese, but is no longer on loan to the diocese;

- Alleged incidents of child sexual abuse by incardinated priests alleged to have occurred in Northern Ireland;
- Alleged incidents of child sexual abuse by incardinated priests alleged to have occurred elsewhere in the world;
- Allegations of child sexual abuse by priests that do not fit into any of the above categories.

The above categories of priest have been grouped as follows:

- Priests in ministry;
- Priests out of ministry;
- Priests that are no longer in the clerical state;
- Other.

Priests in ministry can include priests ministering in the diocese or outside the diocese. Priests that are out of ministry can be resident in the diocese or elsewhere. All priest ministry statuses refer to the current ministry status of the priest and not the status of the priest at the time the alleged incident occurred or at the time the allegation was notified to the diocese. Only five priests fall into the category of “*Other*”. The identity of two of the priests was not known and the ministry and incardination status of the other priests were unclear.

## Diocesan populations

Diocesan Catholic populations are used in this report to assist in comparing the number of allegations made in each diocese per 10,000 Catholic populations. The population figures used for these calculations are those provided in the Irish Catholic Directory 2010.

## Compliance with Safeguarding Standards

Standards are used in many different areas of work. They describe the basic level of performance or ability that is required for a product or service to be effective and do the job it was designed to do.

The purpose of safeguarding standards is:

- To promote good practice, challenge practice that is abusive to children and ensure everyone works together to create a safe environment for children
- To protect children from abuse and exploitation including abuse by staff or other representatives
- To provide targets for agencies to aim at when assessing and developing their organizations internal child safeguarding measures

The standards applicable to safeguarding children are based on a set of principles:

- All children have equal rights to protection from abuse and exploitation
- All children should be encouraged to fulfill their potential and inequalities should be challenged
- Everybody has a responsibility to support the care and protection of children.
- All organisations have a duty of care to children with whom they work and with whom their representatives work.

There are a number of advantages of implementing safeguarding standards:

*Children are protected*

No standards can offer complete protection for children, but following the standards minimises the risk to children of abuse and exploitation.

*Agency personnel are protected*

By implementing the standards, all representatives will be clear about how they are expected to behave with children and what to do if there are concerns about the safety and well-being of a child.

*The church organisation is protected*

By implementing the standards the church organisations make clear their commitment to keeping children safe. The standards will help them move towards best practice in this area and deter potential abusers from joining the organisation.

When the National Board for Safeguarding Children in the Catholic Church produced its Standards and Guidance Document for the Catholic Church in Ireland it noted that over the years most dioceses and religious orders have produced and implemented their own policies and procedures, largely in isolation from each other. The Board said that the Standards and Guidance document seeks to address this situation by reiterating and developing the core principles outlined in Our Children Our Church. The Board went on to say that the seven 'Standards' are drawn from these and they represent best practice in the area of safeguarding and protecting children. The intention of the document is to provide a practical mechanism by which everyone in

the Catholic Church in Ireland can reach a uniform standard in best practice in safeguarding.

The sponsoring bodies of the National Board stated that the standards document now becomes a key point of reference for all those concerned with safeguarding children within the Catholic Church in Ireland. It becomes the standard and policy against which all previous and existing child safeguarding policies and procedures shall be compared and where necessary brought up to date.

The Standards and Guidance Document was issued to all dioceses and religious orders in February 2009.

The final phase of the audit of dioceses was completed in November 2011 when all dioceses were asked to complete an assessment of their progress in implementing the Standards and Guidance issued by the National Board and to submit supporting evidence to support their assessment. The analysis of the Policies and Procedures in each diocese was based on this information.

The core expectations in respect of implementation of each standard are:

#### **Standard 1**

- Policies should state how those individuals who pose risk to children are managed.
- All dioceses should state clearly that they would report allegations and concerns without delay to the civil authorities.

#### **Standard 2**

- Policies and procedures documents should have detailed information on the procedures for responding to concerns and allegations.
- Each diocese should have a complaints procedure for dealing with complaints made by adults and children about unacceptable behaviour against children.
- The issue of confidentiality needs to be addressed more comprehensively.

#### **Standard 3**

- Diocese should develop a whistle-blowing policy
- An equality policy should be developed that makes it clear that discriminatory behaviour or language is not acceptable.

- Policies and procedures should include guidelines on the personal/intimate care of children with disabilities.
- There should be comprehensive guidelines on the use of all forms of information technology.

#### **Standard 4**

- Dioceses should develop a training strategy and plan to ensure that all training needs are met.

#### **Standard 5**

- No general observations.

#### **Standard 6**

Policies and Procedures should contain information on

- Support for a child who has been abused.
- Support for those who have perpetrated abuse.
- The provision of information on the availability of counseling services.

#### **Standard 7**

- Each diocese should have a written plan for the implementation and monitoring of the Standards and Guidance document.

## 5. AUDIT FINDINGS BY DIOCESES

The contents of this chapter are based on returns made by the diocese at the end of November 2011. It is important to recognize that work is ongoing in many dioceses to further develop their policies and procedures. This work is based on their own planned reviews, the implementation of the recommendations contained in the audits conducted by the National Board for Safeguarding Children in the Catholic Church (NBSCCC) and the implementation of the recommendations contained in this report of the HSE Audit. In addition, the NBSCCC have developed further guidance e.g. 'Interim Guidance on Leave from Ministry' and dioceses have adopted this guidance.

### 1. ACHONRY

Achonry has the smallest population of the 24 dioceses in the republic of Ireland and includes parts of Counties Mayo, Roscommon and Sligo. There are 23 parishes and 47 churches in the diocese. The Catholic population is 34,826. The Bishop of Achonry is Bishop Brendan Kelly who was appointed in November 2007.

#### POLICIES AND PROCEDURES

##### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocese has recently reviewed its Child Protection Policy and Procedures and the final draft of the updated document 'Safeguarding Children' was supplied. It is written in a clear and understandable way and it is stated that the policy and procedures comply with 'Children First: National Guidance and Welfare of Children' (2011) and 'Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland' (2008). Advice had been sought from HSE staff and the National Safeguarding Office and their suggestions were incorporated in the final draft. The policy has been approved by the Bishop and is binding on all parishes and all paid and volunteer personnel working for the diocese and its parishes. All personnel are required to sign a commitment form certifying that they have read the policy and agree to abide by the standards and procedures therein. The policy addresses all aspects of church work. The intention of creating a safe environment and preventing any harm to children and young people underpins the policy.

There are Codes of Conduct for staff, leaders, volunteers and children and young people. The rights and care of disabled persons are also included.

The policy contains clear definitions of different types of abuse. The section on bullying includes procedures to be used in the event of bullying and sanctions which may be imposed. Counselling may be offered to the bully and victim. Procedures for managing challenging behaviour are included.

Two Designated Persons, one male and one female have been appointed. The policy states clearly that the Diocesan Designated Person must report all concerns, allegations and disclosures to the civil authorities and diocesan authorities without delay.

All the criteria in this standard have been met

#### **Standard 2: Procedures – How to respond to child protection allegations and suspicions**

**Children have a right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities.**

There are clear written procedures which provide step by step guidance on action which should be taken if there are allegations or suspicions of abuse of a child. The procedures are consistent with current legislation. The role and responsibilities of the Designated Person are clearly defined and there are forms for recording all relevant information. These forms are available on the diocesan web site as well as contact information re the Diocesan Designated Person, HSE, Gardaí and ISPCC.

Each parish has a Local Safeguarding representative and details of their role and procedures to ensure best practice in safeguarding children are set out in the Policy and Procedures Document.

Procedures for dealing with complaints about unacceptable behaviour are included. There is a very comprehensive section on procedures to ensure adequate record keeping and storage and confidentiality of information.

All the criteria in this standard have been met

#### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There are policies on recruitment, vetting and selection of candidates for both voluntary and paid positions and relevant forms relating to these issues are in place in line with best practice. The diocese has cooperated with other dioceses in the Western Region to produce a booklet on the Policy and Procedures for Garda Vetting of all staff in parishes and agencies of the Western Province. It applies to clergy and religious within diocesan settings and, to all volunteers, voluntary lay faithful and ancillary staff in primary schools. The policies and procedures in relation to vetting are a model of best practice. Codes of conduct for staff, volunteers and children are included in the policy and procedures document. There is a very comprehensive section on bullying including definitions of bullying, recognising the signs and dealing with the issue. Issues such as discrimination and unacceptable behaviour are also included. There is no reference to a 'whistle blowing' policy.

Guidelines on personal care of children with disabilities are set out. There is guidance on assessing risks and supervision including recommended ratios of adults to children. A policy statement on information technology is included.

It is recommended that the diocese:

- Develops a 'whistle blowing' policy for inclusion in the next review of the policy document.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The training policy is set out in the Policy and Procedures document and covers all elements in this standard.

Training sessions for all personnel who are in contact with children were provided in association with the HSE during 2009 -2010. These included workshops in child protection, awareness raising and keeping safe. Training workshops for all of the priests were led by staff from the HSE. All courses were evaluated by the participants who provided feedback. The diocese has stated that existing practice will be reinforced on publication of the revised document on Policies and Procedures and that further training programmes are planned. There is evidence of good cooperation with the HSE on training programmes in the diocese. It is stated that training programmes are approved by the National Board for Safeguarding Children and are updated in line with current legislation, guidance and best practice.

All the criteria in this standard have been met

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The communications strategy is outlined in the Policy and Procedures document. There are clear processes in place to disseminate the church's child protection policy and procedures to personnel, parishioners and external agencies. Contact details of all relevant people and agencies are contained in the document which can also be accessed on the web site. A poster for display in churches is on the diocesan web site. Parish newsletters are used to communicate information on child protection and local representatives also have an important role in raising awareness. As stated earlier, good links have been developed with local representatives of statutory agencies.

All the criteria in this standard have been met



#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

The Designated Person has developed links with the personnel in the statutory agencies dealing with child protection and their advice has been sought in the review of the diocesan policy and procedures. There is written guidance on how to respond to and support anyone who alleges abuse by another person. This subject is also covered in the training courses. Details of contacts, helplines, support and referrals are contained in the poster displayed in churches and other places where young people are present. Appropriate forms for record keeping of any disclosures have been developed and are available on the web site.

There is a section in the Policy and Procedures document giving details of the role of the Advisor to anyone who is alleged to have perpetrated abuse and the role of the Support Person who would be made available to anyone who has made an allegation or disclosure of abuse.

All the criteria relating to this standard have been met

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

Implementation and monitoring of Diocesan Policy and Procedures will be undertaken by the Diocesan Safeguarding Committee. The monitoring will include regular audits from parishes and church bodies, a review of local records, and an annual report from the Designated Person. It is also stated that ongoing communication with the HSE and the National Office in Maynooth will be maintained and reports will be made to these bodies when required.

There is a commitment to review the policy and procedures at regular intervals and to consult young people and parents as part of the future review of the policies and procedures.

All the criteria relating to this standard have been met

## ALLEGATIONS

Allegations returned by diocese	In audit returns	Subsequently	Total
Notified to diocese by HSE	0	.	0
Notified to diocese by AGS	0	.	0
Could not be categorised/analysed	0	.	0
Reporting duration could be categorised/analysed	1	.	1
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>
Allegations against deceased priests	0	7	7
<b>Overall Total</b>	<b>1</b>	<b>9</b>	<b>10</b>

Table 5.1:1 Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

The single allegation included in the audit return in relation to this diocese could be categorised with certainty.

Another allegation, in relation to a priest not incardinated in the diocese of Achonry but temporarily ministering there, was widely reported in the media a number of years ago. This allegation was not included in the diocesan audit returns and the diocese has submitted that this was because it had nothing on file about the case. All alleged incidents in a particular diocese should be returned by that diocese. Another widely publicised allegation against a deceased priest which should have been included in the diocesan audit returns was also not included. In proceedings in the courts the bishop stated that he was first notified in May 2002 of allegations in relation to this priest.

### Analysis of the time taken by the diocese to report allegations

The diocesan audit returns indicate that there has been one allegation against a priest incardinated in the diocese and that no priest incardinated in this diocese has been convicted of child sexual abuse. The allegation was notified to the diocese prior to the introduction of Church guidance and was reported just over one year later to the HSE. The priest in question is currently ministering elsewhere in the world and it is not clear if he was ever formally risk assessed. The diocese has submitted that the Church authorities in the country concerned have been notified of the allegation.

### Commentary by the diocese for timescales in reporting to the civil authorities

The diocese provided no reason for the period of just over one year in reporting the allegation that was included in the audit returns.

### **Distribution of allegations by individual priest**

While the diocesan audit returns state that allegations were made against one priest in the diocese, as noted above it appears that an allegation was made against another priest in the diocese. The diocesan audit returns state that the priest against whom the allegation was made has not been convicted of child sexual abuse.

### **Deceased priests**

As outlined above, the audit returns state that there have been no allegations against deceased priests. However the diocese has since acknowledged that allegations against seven deceased priests were not included in the diocesan audit returns and should have been.

### **Conclusion**

In its returns the diocese of Achonry failed to include allegations that fell within the ambit of the audit.

## 2. ARDAGH and CLONMACNOIS

The diocese of Ardagh and Clonmacnois includes most of Counties Longford and Leitrim and parts of Counties Cavan, Offaly, Roscommon, Sligo and Westmeath. There are 41 parishes and 80 churches in the diocese. The Catholic population is 71,806. The Bishop of the diocese is Bishop Colm O'Reilly.

### POLICIES AND PROCEDURES

#### Standard 1: A Written Policy

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The policy in operation in the diocese of Ardagh and Clonmacnois is an undated document entitled "Child Safeguarding Policy and Standards for the Diocese of Ardagh and Clonmacnois" ("the Ardagh and Clonmacnois Policy") which was launched in April 2010. The Policy is currently under review and will be updated in 2013.

The review of the documentation submitted by the diocese indicates that the diocese satisfies the majority of the criteria contained in this standard of safeguarding. The language used in the policy document is clear and understandable, however a table of contents would make the document easier to navigate, and it would benefit from the use of headings for some sections. A number of terms used in the document are not defined. For example the "Support Person" is referenced in the "Reporting Procedures" section, however, the role, function and contact details of the support person are not provided. The diocese has indicated that the policy is mandatory for all personnel and volunteers in the diocese but there is no statement to this effect in the document itself. The document is clear on the reporting of allegations to the civil authorities without delay. The designated officer has the responsibility to undertake this. The only criterion that has not been addressed is 1.6 that refers to how those individuals who pose a risk to children are managed.

The policy was approved by the National Board for Safeguarding Children in the Catholic Church; the Diocesan Safeguarding Committee; the Council of Priest of the Diocese and Bishop O'Reilly and has been widely publicised, promoted and distributed to relevant audiences with some 15,000 copies having been printed.

It is recommended that the diocese:

- Considers the layout of the document in the forthcoming review of the policy.
- Provides clear definitions of the roles and responsibilities of key personnel.
- Includes an Acceptance Form, which should be signed by all personnel and volunteers indicating that they have read the policy and agree to be bound by it.
- Ensures that the policy contains a section on how those individuals who pose a risk to children are managed.

## **Standard 2: Procedures**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

Criteria 1 and 2 of this standard require the diocese to have clear written child protection procedures that provide step by step guidance on what action to take if there are allegations and suspicions of abuse about a child (historic or current). The procedures must be consistent with legislation on child welfare and civil guidance and written in a clear and understandable manner. This is set out in the 2010 Policy Document and is supplemented by more detailed information supplied in response to the audit. There is now a lay Designated Person whose role is detailed and there is a form for recording incidents, concerns and referrals. There is no information on the storage of such information. The Child Safeguarding policy refers to the resolution of complaints but this is not spelt out at any length and would require expansion. Similar considerations apply to the issue of confidentiality.

It is recommended that the diocese:

- Ensures that the revised policy document contains all the information on the structures and procedures for responding to concerns and allegations.
- Develops a detailed complaints policy which includes information on timescales for resolution of complaints.
- Develops a more detailed section on confidentiality.

## **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The recruitment procedure outlined in the policy document and supplemented by additional information is in line with best practice. It includes the requirement for photo identification, provision of two referees, Garda clearance and the completion of application and declaration forms. All those currently who have significant contact with children are subject to safety checks. As of January 2012 all the priests of the diocese and the majority of staff and volunteers will have been vetted. The process is ongoing. Staff and volunteers will be vetted every five years and a database/filing system is maintained to track applications for vetting. Priests from outside the diocese can be allowed to minister in the diocese if it can be clearly established that they are in “good standing” and that there are no child safeguarding concerns. The Child Protection Policy contains a code of conduct for all employees and volunteers but does not provide guidance on expected and acceptable behaviour of children towards other children (anti bullying policy). The diocese meets almost all the other criteria in this standard but does not have explicit guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch. In addition the diocese does not make clear ways in which Church personnel can raise allegations and

suspensions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary. However, they have indicated that the diocese, in consultation with the National Board, propose, to publish this policy for adults and children and would welcome input from the HSE. They also acknowledge that their guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views and are seeking help from the National Board and the HSE in relation to this.

It is recommended that the diocese:

- Develops an anti-bullying policy.
- Ensures that guidelines on the intimate care of children are developed.
- Develops a whistle blowing policy.
- Develops an equality policy.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

There is an induction process for all staff and volunteers that includes familiarisation with the diocesan child protection policy and procedures. The diocese has two registered trainers who have received training from the Volunteer Development Agency and the NBSCCC. Many hundreds of staff and volunteers have received training over the last five years and follow up training is planned for March and April 2012. This includes opportunities to learn how to recognise and respond to concerns about child abuse. A staff development programme is in place in the diocese and those who have special responsibilities in relation to safeguarding children have training to enable them to develop the necessary skills and knowledge. The Diocesan Safeguarding Committee, under the auspices of the NBSCCC, organises this training. There is also training provided for those responsible for dealing with complaints and recruitment.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's Safeguarding Message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The diocese is committed to making its child protection procedures widely known and understood. A poster is prominently displayed in all churches and in parish facilities. There are individual posters for each of the seven counties that make up the diocese. The names of the Designated Person and his Deputy, the Parish Representative and the person whose remit covers 'concerns outside safeguarding' are displayed on this poster. The Child Protection Policy Booklet has also been widely distributed and information is on the

diocesan and parish websites. The diocese states that children are made aware of their right to be safe from abuse by all those working with children and young people. The diocese is to undertake a consultation process with children and young people during 2012 as part of their review of policy and will produce child friendly material arising from this. A Polish translation of the policy is now in preparation to cater for the members of the Polish community in the diocese. At each training session in the diocese participants are encouraged to express their views on the diocesan policies and procedures. In October and November 2010, 320 participants attended four meetings in the diocese and gave feedback on how they thought the diocese measured up against best practice in this area.

All the criteria in this standard have been met

## **Standard 6: Access to Advice and Support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

The diocese states that Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. In this regard there are very strong links with the NSBCCC, which can provide specialist advice, training, support and information. There are also good links with the HSE and An Garda Síochána and help and advice is available when needed. In addition the members of the Safeguarding Committee and the 50 Parish Representatives come from diverse professional backgrounds and bring with them an enormous range of skills which are shared for the benefit of all. One of the criteria in this standard refers to contacts being established at a national and/or local level with the relevant child protection/welfare agencies that can provide information, support and assistance to children and Church personnel. The diocese indicates that while the diocese is fully committed to the idea of inter- agency meetings, the HSE and An Garda Síochána appear to have difficulties with it. A letter dated 17<sup>th</sup> October 2011 from a Garda Superintendent to the Bishop stated, *"I discussed the proposal of having a Garda Inspector liaison with the Diocese of Ardagh and Clonmacnois and while the suggestion was considered it was felt that it was not a part of the present protocols nationally"*.

The Bishop also indicated that the HSE had problems with inter- agency arrangements due to legal impediments and the absence of legislation. Two other criteria in this standard merit a mention. The first states that there should be guidance on how to respond to and support a child who is suspected to have been abused, whether that abuse is by someone within the Church or in the community, including family members or peers. This is not adequately dealt with in the current policy and needs to be included in the revised document being prepared. The second states appropriate support should be provided to those who have perpetrated

abuse to help them to face up to the reality of abuse, as well as to promote healing and reconciliation in a manner which does not compromise children's safety. This is absent from the policy.

It is recommended that the diocese:

- develops clear guidance on how to respond to and support a child who has been abused in any setting
- should be clear about the support arrangements for those who have perpetrated abuse and provide guidance

### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

The diocese states that there is a written plan showing the steps which will be taken to safeguard children, who is responsible for what actions and when these will be completed. It goes on to state that it is the responsibility of the Diocesan Safeguarding Committee to ensure the policies and procedures are implemented. However, there was no plan submitted which met the criteria outlined above. The diocese states that it is fully committed to protecting all children and young people in its care and to implementing best safeguarding practices across services. It pledges to continue to make available all necessary financial and human resources to that end. The diocese is committed to reviewing its policies and practices at least every three years and revising them in the light of changing needs or changes in legislation a, guidance and organisational experience. A review is planned for 2012. There are mechanisms in place currently to consult parents and adults as part of the review of policies and practices and processes. Mechanisms are being developed to consult children and young people. All incidents, allegations and complaints are recorded and monitored and it is the responsibility of the Diocesan Safeguarding Committee to ensure that these records are stored securely. The Diocesan Safeguarding Committee also has responsibility for monitoring compliance with child protection policy and procedures and with recruitment and selection policies and ensuring that they comply with best practice. In 2010 the Committee developed a questionnaire for monitoring the effectiveness of safeguarding measures across all parishes. The results of this self-audit are sent to the NBSCCC annually.

It is recommended that the diocese:

- ensures that the written plan referred to above is published and distributed on a regular basis throughout the diocese



## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>0</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>0</b>
<b>Reporting duration could be categorised/analysed</b>	<b>2</b>
<b>Total</b>	<b>2</b>
<b>Allegations against deceased priests</b>	<b>2</b>
<b>Overall Total</b>	<b>4</b>

Table 5.2:.1 Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

Both allegations included in the audit return for the diocese could be categorised in terms of the time taken to report the allegations to the civil authorities.

### Analysis of the time taken by the diocese to report allegations

The two allegations included in the diocesan audit returns were notified to the diocese at the same time and were reported to An Garda Síochána 6 days later. The diocese first attempted to report these allegations to the HSE 10 days after receiving them. After a number of efforts to report the allegation by telephone, the diocese was finally successful in contacting the HSE a week later or 17 days after receipt of the allegations. These allegations were notified to the diocese during the Our Children, Our Church period.

### Commentary by the diocese for timescales in reporting to the civil authorities

Reasons were not provided in the audit returns for the time taken to report to An Garda Síochána. The diocese states that many attempts were made to speak to the HSE over a six day period but they were not given the opportunity to make the report. The diocese also notes that two weekends were included in the 17 days which were not available as days for receiving reports by the HSE.

### Distribution of allegations by individual priest

Both allegations were made against one priest who is resident in the diocese but out of ministry. He has not been convicted of child sexual abuse.

### Deceased priests

Two allegations have been made since 1996 against deceased priests who were incardinated in this diocese. The statistics provided on the diocesan website in relation to allegations of child sexual abuse state that the total allegations made in relation to priests now deceased is eleven. This discrepancy could be explained by the fact that this audit only includes allegations made against priests deceased since 1996.

### **Conclusion**

All allegations received should ideally be reported within 1 to 3 days to the civil authorities. The diocesan audit return states that reporting allegations within one working day is *“impossible”* due to the difficulty contacting State authorities. It is appreciated that this diocese has experienced difficulties in contacting the HSE when the designated child care manager was on leave. It is suggested that the diocese make a formal written report of any allegations arising in addition to phoning the HSE.

### 3. ARMAGH

The Archdiocese of Armagh is located both in Northern Ireland and in the Republic of Ireland. It includes almost all of County Louth and parts of County Meath. In the North, it includes almost all of Armagh, part of County Derry and approximately half of County Tyrone. In total, there are 61 parishes and 150 churches in the Archdiocese. The Catholic population is 238,289. This audit refers only to the portion of the Archdiocese that is located in the Republic of Ireland. Cardinal Seán Brady is Archbishop of Armagh.

#### POLICIES AND PROCEDURES

##### Standard 1: Policy

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The policy in operation in the Armagh Archdiocese is entitled *“Archdiocese of Armagh Safeguarding Children Interim Policy and Procedures” (“the Armagh policy”)* and was ratified by Cardinal Sean Brady & Bishop Gerard Clifford on the 8th January 2010. It is stated to be an interim policy in order to take account of *“legislative changes taking place in Northern Ireland and potentially imminent legislative developments in the Republic of Ireland”*.

The layout of the Armagh policy and the language used therein is clear and understandable. A review of Diocesan Safeguarding Policies and Procedures was completed by the Diocesan Director of Safeguarding in December 2011. This includes a set of Guiding Principles. The revised Safeguarding Policy and Procedures, along with other safeguarding material, will be considered by the Diocesan Safeguarding Committee at their meeting on 16 February 2012 and will then be referred to Cardinal Brady and Bishop Clifford to be ratified. The revised Safeguarding Policy and Procedures and other guidance material will be launched publicly by Cardinal Brady and Bishop Clifford in early 2012 to an invited audience including Parish Safeguarding Representatives; Diocesan Training Facilitators; Priests; members of the Diocesan Safeguarding Committee and Diocesan Advisory Panel; representatives from Religious Orders within the Archdiocese; and representatives from the National Board for Safeguarding within the Catholic Church. The revised Policies and Procedures, along with other Guidance material will be referred for approval to the Diocesan Safeguarding Committee in February 2012 and then to Cardinal Brady and Bishop Clifford for ratification and issue.

The revised policy requires that the safeguarding policy and procedures must be implemented across all Church organisations in the Archdiocese and that all those within Church ministry have a special duty of care towards children and young people. A culture of collective responsibility is encouraged.

The Policy states that a review will be carried out at least every three years or when ever there is a change to relevant legislation or guidance. There are two criteria that are not explicitly addressed in the Policy Statement. These are:

- the policy should state how those individuals who pose a risk to children are managed( Criterion 6);and

- that all current child protection concerns must be reported to the civil authorities without delay (Criterion 8);

The latter is dealt with under Standard 2 How to respond to Allegations and Suspicions of Abuse. The former is not dealt with in the document.

It is recommended that: the Diocese

- Ensures that information on the management of those who pose a risk to children is included in the policy.

## **Standard 2: How to Respond to Allegations and Suspicions of Abuse**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

A detailed reporting procedure is provided in the Armagh policy and is supported by a useful *"Reporting Procedure Flow Chart"*. The reporting procedure emphasises that it is to be followed strictly and provides that allegations should be reported to the civil authority without delay. Further procedural detail is provided in the *"Initial Contact Procedure"*, which requires those involved in dealing with allegations to record their conversations and actions. The language used in the above procedures is commendable, it is unambiguous and states clearly what is required of personnel that are bound by the Armagh policy and involved in dealing with allegations. It is consistent with legislation and civil guidance for child protection.

The diocese appointed a Director of Safeguarding in 2011 and details of this officer who is the Diocesan Designated Officer were distributed to all parishes for display in November 2011. His role and responsibilities are set out in an Annex to the Policy and Procedures document.

It is intended that new posters will be distributed to all parishes in 2012. These will detail the Diocesan Policy Statement, contact details for Diocesan Designated Officer and other relevant organisations.

All information concerning incidents, allegations or concerns made to personnel within the Archdiocese are contained in the Diocesan Recording Form based on the resource contained in the NBSCCC Standards document. The Designated Officers takes responsibility for ensuring that those involved in the process record their involvement in the allegation adequately and that it is stored securely in a secure area in the Diocesan Office for these files.

Another requirement under this standard is that guidance should be provided on confidentiality and information sharing. While confidentiality is addressed in the Armagh policy, greater clarity should be provided on the actual position in relation to sharing of information, for example, whether or not the identity of the alleged victim will be relayed to the civil authorities and so on. Guidance is provided in relation to the Seal of Confession,

although the language used veers towards the ecclesiastical and might not be readily understood by a lay reader..

There are two criteria that are not fully addressed by this policy. These are:

1. There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint
2. There is guidance on confidentiality and information- sharing which makes clear that the protection of the child is the most important consideration.

While the guiding principles indicate that children and young people must be listened to and heard there is no explicit complaints policy which clearly sets out the process for dealing with issues of concern. There is guidance for a complainant who is dissatisfied with the way in which the Church has dealt with their concern, it is a comprehensive document.

This standard also requires that there is guidance on confidentiality. The guidance in the policy indicates that it is important not to discuss the incident/concern with anyone other than those detailed in the procedures. Personnel are advised not to make a promise of secrecy. However, this does not deal with those complainants who request that their complaint is kept confidential.

It is recommended that the Archdiocese:

- develops a complaints policy
- develops a clear statement on confidentiality when allegations and concerns are reported

### **Standard 3: Preventing harm to children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

All those working with children or young people have undergone the process of completing the diocesan recruitment and selection procedure. All clergy have completed this application process. The revised Policy and Procedures document sets out the recruitment processes for all those wishing to work/volunteer with children and young people. The diocese requires all staff and volunteers to undergo an interview and complete a six-month probationary period. Appendix 10 of the revised safeguarding policies and procedures document provides a safe recruitment and selection checklist.

The revised document and Appendix 16 sets out Codes of Behaviour for adults and children. The documents also state that unacceptable behaviour will be managed in a positive manner that encourages everyone to achieve self-control. The Guidance also states that discriminatory language or behaviour is not acceptable. The revised policy highlights that children and young people will be made aware of the standards expected of them.

Appendices 7 and 18 of the revised policy deal with anti-bullying and the code of conduct for altar servers and Appendix 14 of the revised policy contains a whistle blowing policy to facilitate the reporting of concerns connected with the Archdiocese. It is acknowledged by the Archdiocese that further work needs to be undertaken to provide children with a better understanding of safeguarding policies and to develop more child-focussed mechanisms for children to report/raise concerns

Appendix 9 of the revised policy sets out guidance on Intimate Care in a very succinct and helpful way. Appendix 16 of the revised safeguarding policy provides details on best practice when planning trips. There are also guidelines on the supervision of children and the ratios of staff to children as well as additional good practice guidance for pilgrimages and residential programmes.

While there is no explicit reference in this section of the revised policy to the use of information technology there is a detailed Appendix (6) on the subject.

Finally, the Archdiocese reported that it had developed a Covenant of Care for use when a priest has stepped aside and the civil/Church investigatory process is underway. This procedure has been approved by the Diocesan Advisory Panel and is being considered by Cardinal Brady with a view to implementation in the 2012. This covenant was not submitted as part of the response to the audit.

It is recommended that the Archdiocese:

- Should include The Covenant of Care in the revised policy and procedure.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The first criterion of this standard indicates that there should be an induction process for all staff and volunteers that includes familiarisation with the child protection policy and procedures. All appropriate church personnel in the Arch diocese are obliged to undertake training in safeguarding to maintain high standards and good practice.

Training for parish personnel is to be provided annually and includes, inter alia, on the nature of child abuse; vulnerability and anti-bullying. There is a training strategy for 2012/13.

One of the criteria for this standard is that training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as Designated Person. There is no indication in the training strategy that this specialist training is being addressed comprehensively.

It is recommended that the Archdiocese:

- Ensures that the training strategy addresses more explicitly the need for specialist training for those dealing with additional responsibilities.

**Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

A new revised poster will be issued to all parishes in 2012 displaying the Safeguarding Policy Statement prominently and permanently in all churches and church premises with contact details of the designated person and other relevant safeguarding organisations and agencies external to the Church. The revised policy will be issued throughout the Archdiocese in 2012 and will be available to external agencies through the Diocesan Website. The full Safeguarding Policy will be kept in all parish offices and be available to parishioners on request.

Children are made aware of their right to be safe from abuse through the medium of special notices that are designed to be easily read and comprehended by children. These notices are put on display in churches and church premises advising children of their right to be safe as well as giving details of a person to contact if they have concerns or worries. However, the Archdiocese acknowledges that further work is needed to develop more child- friendly material advising children of their rights.

Church personnel are provided with contact details of local child protection services, such as, HSE, An Garda Síochána, telephone help lines and Designated Person and links with statutory child protection agencies to develop their working relationships have been established in order to keep children safe.

There is clear evidence in the preparation and distribution of information on the Safeguarding Policy that the diocese has a communication policy that reflects a commitment to transparency and openness.

The general Codes of Behaviour for adults and children advise that children and young people should be actively encouraged to get involved in drawing up procedures when planning services and that everyone including children should be listened to. This advice should be stronger and

It is recommended the diocese:

- Develops a strategy for actively involving children in drawing up procedures or protocols; planning of services and evaluation of activities.

**Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This standard states that Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. The revised policy indicates that all members of the safeguarding team have access to specialist advice, support and information on issues relating to the provision of a safe environment through maintaining strong links with statutory and voluntary agencies as well as other

Diocesan teams, working parties and regular contact with the National Office for Safeguarding Children in the Catholic Church.

The remaining criteria associated with this standard are set out in the revised policy.

As recorded the arrangements for church personnel having access to specialist advice, support and information appear to be too general.

It is recommended that the Archdiocese:

- Identifies more clearly the arrangements for access to specialist advice.

### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

A written implementation plan for child protection was not included in the diocesan audit returns. However, the Archdiocese has a *“Diocesan Safeguarding Children Committee”* the purpose of which is *“to develop, direct and manage child protection policy in the Archdiocese, in accordance with civil and Church guidelines”*. Audits of parishes, diocesan groups and religious houses in the archdiocese have been conducted by the archdiocese to ensure that those working with children are compliant with Safeguarding. The diocesan youth director and a Keeping Safe trainer reviewed these audits. The Diocesan Safeguarding Committee also oversees the handling of complaints; the management of recruitment and vetting at Parish level and the annual statistics on the number of staff and volunteers recruited.

The diocese has committed considerable resources to the implementation of safeguarding as indicated by the recruitment of a Director of Safeguarding and a Diocesan Training Coordinator the recruitment of other personnel and volunteers and the training of these staff.

In order to achieve compliance with the safeguarding arrangements a self audit will be undertaken within all parishes during 2012 to establish how well safeguarding policies and procedures are being implemented. This is intended to inform training needs and highlight any gaps. The audit will include reference to recruitment and selection policy and procedures.

All incidents, allegations/suspensions of abuse are recorded and stored securely.

This standard expects that processes are in place to ask parishioners (children and parents/carers) about their views on policies and practices for keeping children safe. This is not dealt with in the revised policy.

It is recommended that the Archdiocese:



- Puts in place arrangements for seeking the views of parents/children and carers about policies and practices.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Allegations relating to Northern Ireland</b>	<b>9</b>
<b>Allegations relating to Republic of Ireland notified to diocese by HSE</b>	<b>1</b>
<b>Allegations relating to Republic of Ireland notified to diocese by AGS</b>	<b>0</b>
<b>Allegations relating to Republic of Ireland that could not be categorised</b>	<b>0</b>
<b>Allegations relating to Republic of Ireland for which reporting duration could be categorised</b>	<b>1</b>
<b>Total (ROI and NI)</b>	<b>11</b>
<b>Allegations against deceased priests</b>	<b>8</b>
<b>Overall total</b>	<b>19</b>

Table 5..3.1: Summary of allegations data provided by diocese

\*All data hereafter refers only to allegations made in the Republic of Ireland.

### Quality of allegations information provided by the diocese

The allegations data provided by the diocese was of a good quality and allowed the time taken to report to the civil authorities to be categorised with sufficient accuracy.

### Analysis of the time taken by the diocese to report allegations

One allegation, notified to the archdiocese of Armagh during the Safeguarding period, was reported within 1 to 3 days to the civil authorities. The other allegation was notified to the diocese by the HSE and so the matter of reporting to the civil authorities by the archdiocese did not arise.

### Distribution of allegations by individual priest & ministry status

Two priests in this diocese had an allegation made against each in the Republic of Ireland. One of them is in ministry and the other is out of ministry. The priest in ministry has not been formally risk assessed on foot of an assessment made by the Diocesan Child Protection Committee. He is in restricted ministry and has no unsupervised contact with children. The diocesan audit returns state that neither priest has been convicted of child sexual abuse.

### Deceased priests

Eight allegations were made against two deceased priests.

### Conclusion

Reporting of the one relevant allegation was undertaken, in accordance with Church and State guidance, immediately to the civil authorities.

## 4. CASHEL & EMLY

The Archdiocese of Cashel & Emly includes most of County Tipperary and parts of County Limerick. There are 46 parishes and 84 churches in the diocese. The catholic population is 82,242. The Archbishop of the diocese is Archbishop Dermot Clifford.

### POLICIES AND PROCEDURES

#### Standard 1: A written policy on keeping children safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

This Diocese has produced a Safeguarding Children: Standards and Guidance Document which was launched by the Archbishop in March 2010. It is supported by a Leaflet “Archdiocese of Cashel and Emly, Safeguarding Children Standards and Guidance” and a Poster of the same name. It was approved by the Diocesan Safeguarding Committee and approved by the National Board for Safeguarding Children in the Catholic Church (NBSCCC).

The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays and clearly describes the Church’s understanding and definitions of abuse.

The policy is due for review in 2012 to take account of the revised Children First Guidance issued by the State in 2011.

There are a number of omissions in the Policy that are required by the NBSCCC Standards. This standard requires the policy to state:

- all church personnel are required to comply with it
- how those individuals who pose a risk to children are managed; and
- all current child protection concerns must be reported to the civil authorities without delay.

These matters are not addressed in the Diocesan policy document and it is recommended that the diocese:

- includes a statement in the policy committing all Church personnel to comply with the policies and procedures;
- develops a policy on the management of individuals who pose a risk to children ;
- addresses comprehensively the process of reporting allegations to the civil authorities.

## **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

This standard requires that there are clear written child protection procedures that provide step-by-step guidance on what action to take if there are allegations and suspicions of abuse about a child (historic or current). The diocesan document does not provide this but under the title “Dealing with Allegations” sets out the role of the Parish Representative in relation to allegations. It is not possible to assess from the information on the roles of the Designated Officer and Parish Representatives set out in the document if this is compliant with legislation and civil guidance for child protection. Within the description of these roles there is reference to the creation of a child protection case files but no reference to their storage.

This standard requires the Diocese to have a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. Apart from the references to allegations and concerns there is no complaints policy.

The standard also requires the Diocese to have guidance on confidentiality and information sharing which makes clear that the protection of the child is the most important consideration. While there is a ‘Confidentiality Statement’ in the Policy Document this does not deal with those complainants who request that their complaint is kept confidential.

The Document contains information on the contact details for appropriate Church personnel and the civil authorities.

It is recommended that the Diocese:

- Reviews the section on reporting procedures and produces a more detailed explanation of what to do when allegations and concerns are identified.
- Prepares a clear statement on the storage of child protection case files
- Develops a complaints policy for children and adults
- Develops a more comprehensive confidentiality policy.

## **Standard 3: Preventing harm to children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The recruitment procedure for recruiting Church personnel and assessing their suitability to work with children in this Diocese are briefly described in the Policy Document. The recruitment procedure, which appears to apply to all vacancies, paid or voluntary, is in line with best practice. Additional procedures in this regard for voluntary personnel are included in the “*Supervision of Activities*” section. The diocesan audit returns state that the diocese also follows the guidelines outlined in Safeguarding in this regard. It would be preferable if the Cashel & Emly policy contained a single consolidated recruitment procedure, which covered all vacancies, paid and voluntary. It is not clear if existing personnel who have regular contact with children or are in positions of trust have completed the declaration form.

The Policy Document contains a code of Conduct for Adults working with Children and Young People. It applies to all adults who work with children and young people on a professional or voluntary basis in Church related activities. There is also a Code of Conduct for Children participating in activities organised in the diocese..

The Document also states that a Code of Conduct specific to children and young people must be drawn up in direct consultation with children and young people and offers a number of points to be used as a minimum standard. This also refers to an Anti- Bullying Policy.

There are statements in the document about the processes of dealing with unacceptable behaviour by children and there is clear guidance on the supervision of activities. However, there are a number of criteria associated with this Standard that are not covered by the diocesan Policy Document. These are:

- There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary
- Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views
- Policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch
- There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home
- Guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation.

It is recommended that the Diocese:

- develops a whistle- blowing policy

- develops an equality policy to address discriminatory issues
- develops guidelines on personal/intimate care of children
- provides guidance on the assessment of risk (the Guidelines for Trips Away From Home state that a risk assessment should be carried out in advance)
- develops guidance on the use of all forms of Information Technology

#### **Standard 4: Training and Education**

##### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

This Standard is not addressed in the Policy Document apart from a reference in the “General Principles Guiding Best Practice for Ministry.”

The Audit return indicates that a training day was provided for all parish representatives and priests in relation to safeguarding children.

Three people have been trained (VDA Keeping Safe Training) to provide training and new updated training is planned for trainers for early 2012.

The diocese has a training plan for the period 2010 –2012 and training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as Designated Person by the National Board for Safeguarding Children in the Catholic Church.

#### **Standard 5: Communicating the Church’s safeguarding message**

##### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The child protection policy is openly displayed and available to everyone through poster, leaflets the policy document and the Diocesan Website.

Children are aware of their right to be safe from abuse and who to speak to if they have concerns. This is achieved through discussions in groups and information sessions for parents and children.

Everyone in the Church organisation knows who the Designated Person is and how to contact them.

The contact details of the local child protection services, telephone help lines and An Garda Síochána are readily available and the diocese has established good links with the statutory child protection agencies to develop their working relationships in order to keep children safe.

The Diocese is aware of the need to engage more with children and young people to evaluate the child protection arrangements.

**Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This standard states that Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. The policy does not deal with this explicitly. The audit return indicated that this was available through training days and the support materials from the NBSCCC. The remaining criteria associated with this standard are set out in the revised policy. There are three other criteria in this standard that are not addressed in the policy. These are:

- There should be guidance on how to respond to and support a child who is suspected to have been abused, whether that abuse is by someone within the Church or in the community, including family members or peers
- Information is provided to those who have experienced abuse on how to seek support
- Appropriate support should be provided to those who have perpetrated abuse to help them to face up to the reality of abuse, as well as to promote healing and reconciliation in a manner which does not compromise children's safety.

It is recommended that the Diocese:

- Develops comprehensive guidance on how to respond to and support a child who has been abused.
- Provides a more detailed information pack for those who have experienced abuse
- Develops an appropriate support arrangement for those who have perpetrated abuse

## Standard 7: Implementing and monitoring the Standards

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

This standard requires Dioceses to have a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed. The diocese does not have a plan of this nature.

The Diocese has committed resources to the implementation of the Policy through the establishment of a Diocesan Committee for Safeguarding Children, the appointment of a Diocesan Safeguarding Officer and providing the resources for training of Church Personnel.

Arrangements are in place to monitor compliance with child protection policies and procedures through forms that are in place within parishes and the audits of practice that take place annually. Parishes are visited to verify that posters are displayed.

There are processes in place to consult children and young people and parents as part of review of safeguarding policies and procedures.

It is recommended that the Diocese.

- Devises a written plan for the implementation of safeguarding. This would facilitate monitoring of progress in developments and evaluation of the arrangements.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>0</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>2</b>
<b>Reporting duration could be categorised/analysed</b>	<b>7</b>
<b>Total</b>	<b>9</b>
<b>Allegations against deceased priests</b>	<b>2</b>
<b>Overall Total</b>	<b>11</b>

Table 5.4: 1Summary of allegations data provided by diocese

### Quality of allegations information provided by diocese

Two allegations could not be analysed with certainty because the dates provided were incomplete. In one instance an allegation notified to the diocese prior to the Framework period appears to have been reported some two years later, but this cannot be stated with certainty due to the incomplete dates. In relation to another allegation notified to the

diocese during the Framework period the dates provided were also incomplete with the reporting period appearing to be in the region of one to two years. The diocese has submitted evidence in support of the case that there were well-founded doubts about the veracity of each of these allegations.

### Analysis of the time taken by the diocese to report allegations

Two allegations notified to the diocese during the Safeguarding period were reported within 1 to 3 days by the diocese to the civil authorities. Two further allegations from this period were reported within one week and one month.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-96
1-3 days	-	-	-	2	2
4 to 7 days	-	-	-	1	1
1 week to 1 month	-	2	-	1	3
1 month to 1 year	-	-	-	-	0
1 to 5 years	-	-	-	-	0
5 to 10 years	-	1	-	-	1
10+ years	-	-	-	-	0
Not reported	-	-	-	-	0
<b>TOTAL</b>	-	3	-	4	7

Table 5.54.2 Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

There was a nine-year period in relation to one allegation notified to the diocese during the Framework period and the reason provided by the diocese was that the complainant did not wish to report the allegation. The archdiocese has submitted that it was responding to the wishes of the complainant and that "at no time was there any child protection concern" as the priest concerned had already been removed from ministry at the time of the allegation. It should be noted that whether or not a priest has removed from ministry is immaterial to whether an allegation should be reported.

The reporting of two other allegations during this period took 11 days and three weeks respectively. While the diocesan return in each case indicated a prompt report clearly this was not entirely accurate, and not in compliance with the relevant guidance. However the diocese has since submitted that in the first case the 11-day period concerned encompassed Holy Week and Easter, and that the period should therefore be categorised as "4 to 7 days."



In the second case the Archdiocese has submitted that because the complainant was living on a different continent at the time, the reporting time of three weeks was not unreasonable.

### Distribution of allegations by individual priest

The number of priests against whom allegations have been made in this diocese is four. Half of the allegations notified to the diocese were made against one priest.

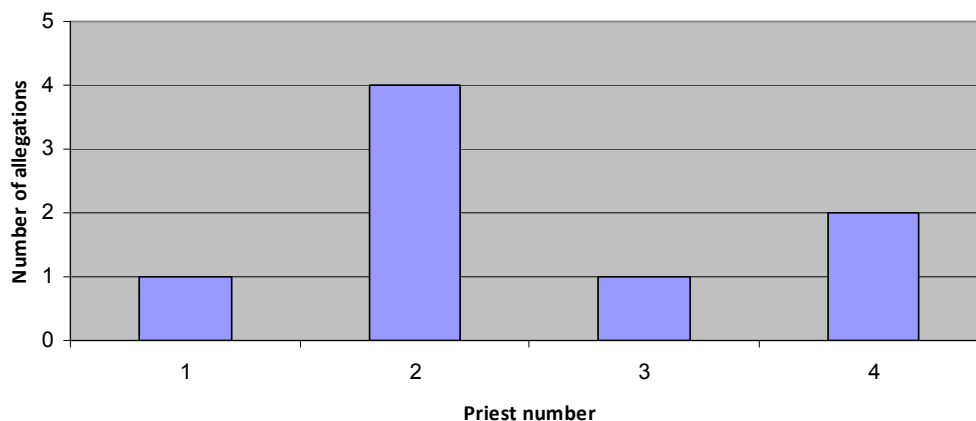


Chart 5.4.5 Distribution of allegations by priest

One of the priests that had an allegation made against him is in ministry while the remaining three are out of ministry. The priest in ministry was risk assessed and deemed not to be a risk to children. The HSE also assessed this case. The diocesan audit returns state that no priest has been convicted of child sexual abuse.

### Deceased priests

Two allegations have been made against two deceased priests.

### Conclusion

Two allegations notified to the diocese during the Safeguarding period were notified with immediacy and the third within six days. Notwithstanding that two allegations could not be analysed with a sufficient degree of certainty for the purposes of this audit, the records returned by this diocese were of good quality. It appears that diocesan records were clear and identify clearly the rationale for the time taken to make reports. Recent allegations were reported with greater speed and in two instances, with immediacy.

## 5. CLOGHER

The diocese of Clogher has parishes in both Northern Ireland and the Republic. The diocese includes parts of Counties Monaghan, Donegal, Louth and Cavan in the Republic of Ireland and in Northern Ireland it includes most of County Fermanagh and portions of County Tyrone. There are 37 parishes and 85 churches in total in the diocese. The Catholic population is 86,047. This audit refers only to the portion of the diocese that is in the Republic of Ireland. Bishop Liam MacDaid is the Bishop of the Diocese.

### POLICIES AND PROCEDURES

#### **Standard1: A written policy on keeping children safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocese's policy is contained in a document "Safeguarding Children in the Diocese of Clogher" 2011. This document has five sections:

1. Mission Statement
2. Diocesan Policy
3. Auditing
4. 2011 Audit Results
5. A History

And two appendices, one on resources and the other on forms.

The document does not follow the format set out in the Standards Document produced by the NBSCCC.

There is a Diocesan Mission Statement that sets out the aims about safeguarding issues and then deals with Leadership; the Diocesan Needs; a Safeguarding Trainers Credo and the Healing Process.

There is no indication in the document that it has been approved by the bishop and that all Church personnel are required to comply with it. However, the audit returns indicated that revisions of policies and procedures were approved and adopted by the Clogher Diocesan Safeguarding Committee in November 2011 and the Bishop signed document to that effect. It is due for review in 2013

The management of those who pose a risk to children are dealt with through local arrangements. This involves a multi party group comprising of the Diocese/Parish; An Garda/Police Service; HSE/HSCT; Probation; and Housing representative. The group's role is to share information; assess risk; agree risk management plan and review.

The document clearly describes the church's understanding and definitions of abuse and indicates that all allegations, suspicions and concerns are reported to the civil authorities without delay.

All criteria in this standard have been met

#### **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

There is brief section in the Policy Document that deals with reporting. It provides a reporting Flow Chart; a special note to Parish Safeguarding Representatives and a brief description of the role of the Designated Person. This does not meet the requirement of this Standard for clear written child protection procedures that provide step by step guidance on what action to take if there are allegations and suspicions of abuse about a child (historic or current).

There is a Designated Person whose role is defined and who is responsible for maintaining case records. However, the policy does not indicate what information will be recorded and what arrangements will be made for the storage of this confidential information.

This standard requires that the diocese has a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. The Diocesan Policy Document does not contain a complaints policy but makes it clear that Church organisations should develop a clear complaints procedure for use by young people or by parents who are dissatisfied with any aspects of activities or services provided. There is guidance on confidentiality and on the Seal of Confession. Details of the local child protection services and the police services are given.

There are two issues that need to be addressed and it is recommended that the Diocese:

- Reviews its section on reporting procedures and produce a more detailed explanation of what to do when allegations and concerns are identified.
- Develops a Diocesan Complaints Policy and provide Guidance on the contents of appropriate complaints policies for Church Activities.

#### **Standard 3: Preventing harm to children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The body of the Policy Document does not contain any reference to the diocesan policies and procedures for recruiting Church personnel. The Appendix 2 to the policy contains forms from the Standards Document issued by the NBSCCC, which include appropriate checks and vetting. If these procedures are followed then the recruitment and vetting policy would be in line with best practice.

The policy contains a Code of Conduct Basics and Appendix 2 contains a Sample Code of Behaviour from the Standards Document issued by the NBSCCC. There is also a brief anti-bullying code.

This standard requires the Diocese to have clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary. This is not available in the Policy.

The policy outlines the process for managing difficult behaviour.

This standard also requires that there is guidance to staff and children that makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views. This is not available in the Policy.

The policy contains advice on managing intimate care.

The policy contains guidance on residential stays that includes supervision ratios but it does not contain any guidance on assessing risks as required by this standard.

The policy contains advice on the use of IT equipment with an emphasis on computers and a short reference to mobile phones with photographic and video facilities. This could be expanded to include all aspects of the rapidly changing information technology now available.

There are number of issues which require the Diocese to review the Policy.

It is recommended that the Diocese:

- clearly sets out the recruitment and assessment policies and procedures in the Policy Document
- develops a whistle-blowing policy
- develops an equality policy
- reviews the guidance on the use of information technology

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The Policy states that opportunities are to be provided for all involved in any way with children to develop and maintain the necessary attitudes, skills and knowledge to keep children safe.

All clergy are expected to attend annual Deanery courses on the Safeguarding Initiative. All parish representatives/ trainers should complete the six-hour NBSCCC programme. All leaders involved in initiatives for under eighteen year old young people in parishes should complete the parish two-hour training module. All parish safeguarding committees are required to attend regional in-service meetings at least once per year. The diocesan Safeguarding Trainers do parish visits with regard to in-service, remediation and auditing.

The diocese initiated a training strategy in 2004 to put in place best practice policies for working with children and under 18 year olds in parish communities through the development and delivery of a child protection programme.. The training encompassed the Keeping Safe Programme and two lay people qualified as trainers on behalf of the diocese and were licensed to train parish volunteers from 2005 onwards. They have delivered a 9 hour and a three hour programme to over 500 volunteers within the diocese and over 70 priests in the diocese have taken part in Keeping Safe training sessions provided on an annual basis.

There is a training/ auditing session for all priests and their Parish Safeguarding Children Committees on an annual basis. To date 210 Parish Representatives have been trained under the training programmes.

It is not evident from the policy if training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as Designated Person.

It is recommended that the Diocese:

- Ensures that specialist training is provided for those with additional responsibilities.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The Policy states that the Cathedral and all churches have the following documents on permanent display:

- Policy Statement
- Code of Conduct
- Code of Procedures
- Counselling Services and
- Diocesan Personnel

These documents are brought to the attention of the general public through inclusion in a parish leaflet which is updated every three years. Priests/ parish representatives deliver a prepared statement about the work at Masses in their own church(es) every three years. An end of year document is issued to all involved outlining the year's Safeguarding Children Activities and there is a reiteration of all Diocesan policies and procedures. In addition the Diocesan website provides extensive information, updates and resource materials.

**Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection through contact with national and local child protection/ welfare agencies, the NBSCCC and the HSE as well as the Northern Province cluster of dioceses personnel who meet regularly.

Information is provided to those who have experienced abuse about how to seek support.

The Policy states that the diocese undertakes to provide access to all necessary supports for victims through the provision of a support person, Towards Healing Counselling, HSE Counselling and Pastoral Support. There is brief section in the policy on dealing with disclosure.

Support for those accused is offered through an Adviser, Supervision, Pastoral Care and Counselling.

The Bishop has appointed a consultative Advisory Panel in order to advise and assist him at all stages of the investigative process. It provides a source of guidance through a process of risk assessment and provides advice on the paramountcy principle, the appropriateness of providing help to all parties to the allegation and legal requirements.

It is recommended that the diocese:

- Develops more comprehensive guidance on responding to children (and adults) who have been abused.

#### **Standard 7: Implementing and monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

There is Diocesan Safeguarding Children Committee in place. The role of this Committee is focused on creating, maintaining and monitoring a safe environment for children in all aspects of church life and activity and on advising on human resources required for implementing best Safeguarding practices across services. It has responsibility for Training, Safe Recruitment, Periodic Review and Communication and Promotion of Safeguarding practices.

An audit of each Parish, Faith and Light Groups and Lourdes Pilgrimages is held annually. This is based on the seven safeguarding standards issued by the NBSCCC. The results of the 2011 Audits were submitted in response to the HSE Audit. All 37 parishes and two religious houses completed the self-audit and as a result all parishes are deemed to be compliant with the Diocesan and NBSCCC policies.

The return from the diocese does not address the following criteria in this standard;

- Processes are in place to ask parishioners (children and parents/carers) about their views on policies and practices for keeping children safe
- All incidents, allegations/suspicions of abuse are recorded and stored securely

It is recommended that the diocese:

- Undertakes a consultation exercise with children and parents as a part of the next review of the Policy
- Provides guidance of the recording and storage of all complaints, allegations and concerns.
- Develops a written plan for the implementation of its safeguarding arrangements

## ALLEGATIONS

Allegations included in the diocesan returns that fall within the remit of this audit	
Allegations relating to Northern Ireland	2
Allegations relating to Republic of Ireland notified to diocese by HSE	0
Allegations relating to Republic of Ireland notified to diocese by AGS	0
Allegations relating to Republic of Ireland that could not be categorized	3
Allegations relating to Republic of Ireland for which reporting duration could be categorized	15
Total (ROI and NI)	20
Allegations against deceased priests	1
Overall Total	21

Table 5.5.1: Summary of allegations data provided by diocese

All data hereafter excludes the two allegations made in Northern Ireland.

### Quality of allegations information provided by the diocese

Three of the 18 allegations relating to the Republic of Ireland could not be analysed with certainty. Incomplete dates were provided in two cases and in another, cross-referencing was inconclusive.

### Analysis of the time taken by the diocese to report allegations

Two allegations (13%) were reported with immediacy to the civil authorities.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				Total Allegations Post 1-Jan-1996
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 30-Nov-2011	
1-3 days	-	-	1	1	2
4 to 7 days	-	3	-	-	3
1 week to 1 month	-	-	-	1	1
1 month to 1 year	-	-	-	3	3
1 to 5 years	-	1	1	-	2
5 to 10 years	-	-	-	-	0
10+ years	2	1	-	-	3
Not reported	-	-	1	-	1
Total	2	5	3	5	15

Table 5.5.2: Time taken by diocese to report allegations by Church guidance period



When completing the Audit Questionnaire Appendix A in December 2006 and April 2010, the diocese responded “Yes” to the question:

“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”

However, as noted above, only two of the 15 allegations that could be analysed had been reported with immediacy by the diocese. The audit returns dated August 2009 indicate that “10+” allegations had been notified to the diocese at that stage. Subsequent audit returns show that the diocese was aware of 13 allegations when submitting the returns to the HSE in August 2009. Three allegations first notified to the diocese of Clogher in 1971, 1999 and 2005 respectively were not notified to either civil authority by the diocese until January 2010, and failed to comply with the relevant reporting guidance.

Three allegations were reported within a week to An Garda Síochána in 2002, but not to the HSE on the “*understanding that HSE would be informed by An Garda Síochána.*”

#### **Commentary by the diocese for timescales in reporting to the civil authorities**

Two allegations that were first notified to the diocese in the early 1970s were not reported to the civil authorities until 2003 and 2010. These related to a priest who was to be the subject of a further twelve allegations. The diocesan audit returns state that the allegations were “*dealt with as per the standards at the time including referral for treatment at home and abroad.*” During treatment the priest was suspended from ministry and after treatment “*he was allowed to return to limited ministry under supervision.*” Another allegation was made against this priest during the Framework period which took more than 10 years to report. The reason provided by the diocese for this substantive time period was that the allegation “*was not reported to HSE and Gardaí due to confidential nature of the submission.*” Three allegations made during the Safeguarding period which took up to four months to report to the civil authorities also relate to this priest who is now no longer in the clerical state. The reasons provided for the time taken to report the more recent allegations were that two of the allegations were passed to the diocese’s legal advisor and the other was not reported at the complainant’s request.

An allegation notified to the diocese in 2005 took in the region of four years to report to the civil authorities on the basis that the allegation was deemed not to constitute child sexual abuse. Another allegation notified to the diocese in 2007 was not reported for over a year because the complainant was said to have requested that it not be reported.

An allegation notified to the diocese as recently as December 2006 was not reported to either civil authority by the diocese on the basis that it was “*Reported by complainant directly to Gardaí and by Gardaí to HSE.*”

### Distribution of allegations by individual priest

The number of priests against whom the 18 allegations were made in this diocese was five. However as the chart below depicts, 14 of these (78%) were against one priest with one against each of the other four.

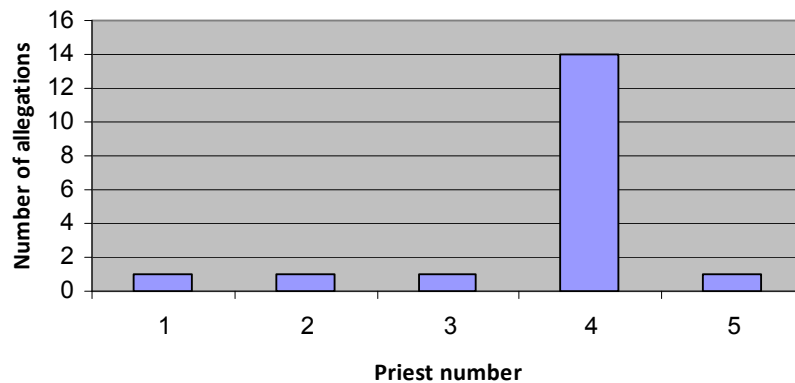


Chart 5.5.4: Distribution of allegations by priest

The ministry status of priests with allegations against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	1	1
Out of Ministry	2	2
No longer in the clerical state	1	14
Other	1	1
<b>TOTAL</b>	<b>5</b>	<b>18</b>

Table 5.5.5: Number of allegations by priest ministry status

It is not clear from the audit return if the priest in ministry had been risk assessed; however the diocese has indicated that this has not been possible as he is living in another part of the world. However his diocese there has been fully informed of the allegation. The audit returns state that one priest has been convicted of child sexual abuse.

### Deceased priests

One allegation has been made against a deceased priest, not incardinated in the diocese, in relation to an incident elsewhere in the world.

### Conclusion

Data quality in this diocese was reasonable with some incomplete data provided in three of the 18 cases relating to the Republic. The time taken to reporting in the diocese of Clogher have been varied and lengthy and not in compliance with Church guidance that has been in place. It is not acceptable that three of the four allegations notified to the diocese in 2009 took from over one month to over three months to be reported. It is also disappointing that in 2006 and 2010 the diocese stated in its audit returns that it had reported all allegations promptly, when in fact this was not the case in the reporting 11 out of 13 analysable allegations.

## 6. CLONFERT

The diocese of Clonfert includes portions of Counties Galway, Offaly and Roscommon. There are 24 parishes and 47 churches in the diocese. The Catholic population is 36,000. The Bishop of Clonfert is Bishop John Kirby.

### **POLICIES AND PROCEDURES**

#### **Standard 1: A Written Policy on Keeping Children Safe**

Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.

The Child Safeguarding Committee of the diocese has recently undertaken a review of the diocese's safeguarding policies and procedures which has resulted in the publication of the document "Safeguarding Children: Clonfert Diocese Policies and Procedures". The Bishop has endorsed the policies and procedures. The Bishop acknowledges the shortcomings of the church in the management of child abuse allegations in the past.

There is a commitment to review the policy every three years or sooner if required.

The document is well presented and follows the standards of the National Board. It is consistent with the State documents *Children First* and *Our Duty to Care*. The table of contents is clear and the document which is extremely easy to navigate, is written in a clear and understandable way. It is well referenced throughout. All personnel including volunteers are expected to familiarise themselves with and sign up to the Clonfert Child Safeguarding Policy and Procedures.

The policy addresses child protection in all aspects of church work. Student volunteers on pilgrimages have to sign that they will adhere to the strict Code of Conduct. There are also good practice guidelines for altar servers. There is a section on how anyone against whom a concern, complaint or allegation is made is managed. The policy states that all current child protection concerns are reported to the civil authorities without delay. Definitions of the various types of abuse are clearly described and are referenced to Children First 2011.

Parishes have developed documents which are user friendly and which are consistent with the Diocesan policy and procedures.

All the criteria in relation to this standard have been met.

#### **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

There is clear written guidance on responding to allegations and suspicions of child abuse. The written text is supplemented with a flow chart which summarises the step by step procedure. The procedures are consistent with legislation and civil guidance. The role of the Diocesan Delegated Person and parish based local safeguarding representatives are clearly set out. The contact details of the Diocesan Delegated Person and Deputy, HSE Child protection personnel and Garda are printed at the beginning of the document. There are also contact details of agencies which support children and young persons.

The paragraph relating to protection of persons reporting abuse allegations is consistent with the legislation enshrined in Protections for Persons Reporting Child Abuse Act 1988.

A form has been designed for recording any concerns or disclosure of child abuse. There are also forms for referral of concerns to the HSE. The statement on confidentiality is consistent with the guidance in Children First. There is a complaints procedure and the process for resolving complaints is described. A form for recording details of a complaint is provided.

All the criteria in relation to this standard have been met.

**Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There are policies and procedures in place for recruiting church personnel and volunteers. Applicants are provided with a job description and information about the organisation. Candidates must complete an application form and must declare any convictions. Garda vetting forms must be completed and submitted. Garda vetting is administered by the Western Province Diocesan Service which was set up by the Bishops of that province. Interviews are conducted by at least two persons using an agreed set of criteria relevant to the position advertised. Two references will be sought and will be followed up by telephone or personal visit. Prior to appointment signed photographic I.D. must be submitted. Probationary periods are implemented.

Parents are required to sign a parental consent form before their children participate in any church related activity.

The diocese has developed standards of good behaviour of adults towards children. There are guidelines for adults supervising physical activities and for dealing with children who present with challenging or other unacceptable behaviour. There is also advice on comforting children and intimacy issues, and there are guidelines for personal and intimate care of children with disabilities.

Different types of bullying are explained fully and guidelines on dealing with bullying are comprehensive. Guidelines on risk assessment of activities when working with children, especially in activities that involve time away from home have been developed and form a basis of audits.

People involved in leading and supervising activities for children are trained and skilled to meet the needs and demands of each activity. There are guidelines on adult: children ratios for supervision. There are clear ways in which church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other church personnel or volunteers (whistle blowing). Guidance to staff and young people makes it clear that unacceptable behaviour of any kind will not be tolerated.

Appropriate use of information technology, including mobile phones, digital cameras and other electronic devices, email, web sites and internet are monitored to ensure that children are not put at danger and exposed to abuse and exploitation.

All the criteria in relation to this standard have been met.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

All Church personnel who work with children are inducted into the diocese's child protection policy and procedures when they begin working with Church organisations. A register of all existing and new personnel is kept in each parish and submitted to the diocesan office who arrange child safeguarding training and updates as required. All staff, both religious and lay, are required to hold a current certificate in Child Protection Training. A record of all training is kept in the diocesan office. Training is provided on an ongoing basis and those with additional responsibilities are offered further training relevant to their job. Examples of more specialised training include recruitment and selection of staff and volunteers, dealing with complaints, disciplinary procedures, management of risk. All personnel involved in any way in the ministry to children receive training specifically related to their role and responsibilities. Training courses in child safeguarding will be monitored by *the National Board for Safeguarding Children in the Catholic Church in Ireland*. Pending availability of this, child safeguarding training offered will be accredited by the *Health Service Executive*. Workshops and training events will be held to provide everyone with appropriate training to keep children safe.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

Copies of complete child protection policy document have been made available in every parish and on the diocesan website. A summary of the document has been distributed to every household and to all church organisations in the diocese. All forms can be obtained from parish priests and can also be downloaded from the website. A summary of the policy is displayed prominently in all church building and places where children engage in activities. A child friendly version has been distributed to children who participate in activities and their parents. The leaflet helps children to be made aware of their rights to be safe and who to speak to if they have concerns.

Each Church related activity involving children has a safeguarding person whose name and contact details have been made available to children and their parents. Children and their carers are made aware of the codes of behaviour relevant to their activity and action to be taken if codes are breached.

Parish Safeguarding Representatives and the parish priest will arrange for annual communication and feedback with children and their parents. Communication with children and their parents will take account any communication difficulties and appropriate assistance will be arranged.

Contact details of the Designated Person, Deputy, local child protection services of HSE, An Garda Síochána, and support agencies are displayed in all locations where activities for children take place as well as in all printed literature relating to child protection and the diocesan website.

If the Designated Person is unsure whether or not a formal report should be made he/she will discuss any concerns with the HSE Children and Families Service. Records of all such conversations will be kept.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Clonfert diocesan personnel with special responsibility for safeguarding and keeping children safe have access to specialised advice, support and information from the National Board for Safeguarding Children in the Catholic Church and from the Health Service Executive.

The diocese has established contacts at national and local level with relevant child protection agencies and specialist help lines all of which can provide support and assistance to children and church personnel. All personnel and volunteers receive guidance on how to respond to and support a child who is suspected of being abused.

The diocese has appointed support persons who have clearly defined roles and responsibilities for victims and survivors of abuse. Details of their roles are set out in the Policy and Procedures document as are the skills they are expected to have acquired.

A person who is the subject of an allegation or concern, referred to as the Respondent in the document, will have access to an advisor appointed by the Bishop. The role of the advisor is to represent their needs and assist, where appropriate, with communication with the Diocesan Designated Person. Any admission by the respondent to the Adviser about the presenting allegation or other offences will be referred to the Designated Person. Support is also offered to the Respondent's family and colleagues.

The responsibilities of the Designated Person in regard to the Respondent are outlined. The Advisory Panel will advise on how the Respondent should be managed with regard to their current position, need for specialist assessment, and needs of the parish and wider community. On written request by any relevant parties and with the approval of the NBSCC, the National Review panel will conduct a review of the process of an allegation or concern. The Respondent will be asked to co-operate with all reviews, internal investigations and audits.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

The diocese has developed resources to monitor the effectiveness of the steps it is taking to keep children safe and recognises that auditing of standards is essential to ensure that a process of continuing improvement takes place, and to demonstrate accountability and transparency.

There is a commitment to make available the human and financial resources necessary to implement the policy.

The diocese has arrangements in place to monitor compliance with child protection policies and procedures. It has developed self audit processes for parishes and the diocese to conduct annually. Diocesan review by the NBSCC will take place every five years or sooner if the Bishop requests it.

Records of current and historical incidents, allegations, and suspicions of abuse are maintained and stored securely in accordance with legislation.

All the criteria in relation to this standard have been met.



## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>0</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>0</b>
<b>Reporting duration could be categorised/analysed</b>	<b>10</b>
<b>Total</b>	<b>10</b>
<b>Allegations against deceased priests</b>	<b>1</b>
<b>Overall Total</b>	<b>11</b>

Table 5.6.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

The data provided by the diocese was such that the time taken to report to the civil authorities could be categorised for all allegations with sufficient accuracy.

When completing the Audit Questionnaire Appendix A in January 2007 and July 2010, the diocese responded *“Yes – this is the current practice”* to the question:

*“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”*

However, there was substantive time taken by the diocese in reporting eight allegations. In one case the period was approximately two years and in the remaining seven it was between seven and 13 years. Furthermore these seven, notified to the diocese between 1997 and 2002, were not reported to the HSE or An Garda Síochána until 2010. Audit Questionnaire Section 5, which was completed by the diocese in July 2009, stated that four allegations were known to the diocese. However the most recent diocesan audit returns indicate that when that questionnaire was completed ten allegations were known to the diocese.

### Analysis of the time taken by the diocese to report allegations

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations post 1-Jan-1996
1-3 days	-	-	-	-	0
4 to 7 days	1	-	-	-	0
1 week to 1 month	1	-	-	-	0
1 month to 1 year	-	-	-	-	0
1 to 5 years	1	-	-	-	0
5 to 10 years	-	3	-	-	3
10+ years	-	4	-	-	4
Not reported	-	-	-	-	0
<b>Total</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>7</b>

Table 5.6.2: Time taken by diocese to report allegations by Church guidance period

The diocese did not comply fully with the relevant guidance during the Framework period.

#### Commentary by the diocese for timescales in reporting to the civil authorities

In addition to the reasons for the time taken outlined above, the diocese indicated that four separate allegations against one priest were not reported for more than ten years *“at the complainant’s request”* and because the now laicised priest *“was in prison”*. The diocese has submitted that this priest and another had been reported to the then Health Board before the inception of Church guidelines in 1996.

Three allegations against a third priest, notified to the diocese in 2002, were not reported for more than seven years because the accused *“was no longer a priest and his whereabouts were unknown but [he] was suspected to be in South America or UK”*. The audit returns further state that the bishop phoned An Garda Síochána at the time the diocese was first notified but has no written record of it. The diocese has submitted that at the time it was notified of these three allegations (in June 2002) it was over 20 years since the missionary priest concerned had worked there, that it notified his Missionary Society of the allegations the following day, and that the society advised the Gardaí of them in August 2002.

#### Distribution of allegations by individual priest

Three priests in this diocese had allegations made against them. As can be seen from the chart below, half of the allegations made were against one priest.



Chart 5.6.:4 Distribution of allegations by priest

No priests in ministry in this diocese have had allegations made against them. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	0	0
Out of Ministry	1	2
No longer in the clerical state	2	8
Total	3	10

Table 5.6.5: Number of allegations by priest ministry status

The diocesan audit returns state that one priest has been convicted of child sexual abuse.

### Deceased priests

One allegation has been made against a deceased priest in this diocese.

### Conclusion

Data quality in respect of the allegations returned in the audit was good with complete dates provided in all cases. However, as outlined above, the diocesan audit returns of 2009 did not accurately reflect the number of allegations that were known to the diocese at that time. There was significant time taken to report seven allegations received while Church guidelines were in place.

## 7. CLOYNE

The Diocese of Cloyne includes most of County Cork. There are 46 parishes and 107 churches in the diocese. The Catholic population is 161,482. The diocese is currently under the administration of Archbishop Dermott Clifford, Archbishop of Cashel & Emly who is the apostolic administrator for the diocese.

### POLICIES AND PROCEDURES

#### Standard 1: A Written Policy on Keeping Children Safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The Diocese reviewed their policy and procedures in 2010 and a new document *"Safeguarding Children in the Diocese of Cloyne"* was published in December 2010. The review team utilized the criteria outlined in the *Safeguarding Children Standards and Guidance for the Catholic Church in Ireland* published by the NBSCCC. The Chief Executive of the National Board has approved the policies that cover vulnerable adults as well as children for Safeguarding Children in the Catholic Church. The Apostolic Administrator of the Diocese has also endorsed the policy.

The diocese has established a safeguarding office that is open four days each week.

The diocesan policy document is organised in numbered sections and appendices and contains a lot of detail. All diocesan personnel are required to comply with the policy. There are a number of guiding principles, and codes of behaviour outlined. Each parish has developed their own policy document which is consistent with the diocesan policy. The diocese has developed a structure and action plan for implementing the safeguarding policy.

There are clear definitions of different types of abuse and possible signs of each type are described. Those who are the subject of an investigation may be asked to step aside from their ministry and duties during an investigation.

All the criteria in relation to this standard have been met.

**Standard 2: Procedures - How to respond to child protection allegations and suspicions**  
**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

There is step-by-step detailed guidance on action to be taken by anyone who has concerns about the welfare of a child. There is also detailed guidance on action to be taken by anyone who receives a concern or allegation. Advice on issues of confidentiality, information sharing and record keeping is outlined.

The procedures for reporting concerns and allegations to the Designated Person and or directly to the civil authorities are clearly laid out. It is stated that it is diocesan policy to report safeguarding concerns to the civil authorities without delay. It also states *“all allegations or disclosures will be addressed sensitively and in a timely manner”*. Contact details of the civil authorities and Designated Persons are included in the policy document. The role of the Designated Person is described and the procedures they should use are set out.

It is stated that the Parish Priest/Administrator has overall responsibility for child safeguarding in the parish and will be assisted by the parish safeguarding committee and the parish safeguarding representatives. A list of the parish priest’s responsibilities is included. The responsibilities of the parish safeguarding representatives, parish safeguarding committee, church personnel and group leaders are listed. These are consistent with the standards. The parish priest has responsibility for the storage of all parish records relating to child safeguarding.

The code of behaviour for children includes guidance on how children should behave towards each other and towards adults.

All the criteria in relation to this standard have been met.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

Recruitment procedures for paid and voluntary posts are in line with best practice. Job descriptions and personnel specifications are developed for all posts. Applicants for all posts are required to complete an application form and declaration form regarding any convictions or cautions. Shortlisted applicants are interviewed by a panel of at least two people. All records relating to recruitment and appointment of staff and volunteers are stored securely at parish or diocesan level as appropriate. References are checked verbally and Gardaí vetting is carried out. To date over 300 persons have been vetted including all priests currently in ministry. There is a detailed code of behaviour for all people working with children. The policy on bullying outlines different forms of bullying and gives guidance on dealing with bullies. There is a procedure for church personnel to raise concerns regarding other adults who have behaved in an unacceptable way towards children. There is a disciplinary procedure for dealing with personnel against whom a complaint has been made. If the complaint is about abuse of a child the reporting procedures will operate alongside the complaints procedure.

The code of behaviour for children clearly sets out how children should behave during activities and also makes it clear that discriminatory behaviour or language will not be tolerated. Discipline problems are handled in partnership with parents and guardians.

There are guidelines on running safe activities for children, which include recommended ratios of adults: children and health and safety considerations. Parental consent is required before children participate in any activities organised in the diocese. All trips away from home, such as day trips, overnight stays and pilgrimages are risk assessed during the planning process. There is specific guidance relating to trips away from home and pilgrimages. Guidelines are in place on the personal and intimate care of children with disabilities.

Church personnel have guidance to help ensure that all forms of information technology are used appropriately during activities with young people.

It is a diocesan policy that before priests from outside the diocese can be allowed to minister in the diocese, it must be clearly established that they are in 'good standing' and that there are no child protection concerns.

All the criteria in relation to this standard have been met.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The Cloyne Diocesan Safeguarding Children Committee, which has responsibility for provision of training, has developed a comprehensive training strategy. Diocesan trainers have been trained at regional level in accordance with a programme provided by the National Board. All church personnel, staff and volunteers, are trained using the 'Keeping Safe Programme' which was approved by the NBSCCC. On completion of the training, certificates are issued to all those who undertook the training. Participants have the opportunity to evaluate the training sessions and the feedback has been largely positive. Designated officers have undergone additional training at the National Office in Maynooth. Further training has been provided by the local HSE office and the local Garda. The Diocesan Safeguarding Children Committee maintains a data base of all training, certification, and records of course attendance.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The diocesan policy is displayed on notice boards in all churches and sacristies and is available on the diocesan web site. A specially designed poster containing contact details of the designated officers, HSE, Garda and helplines for counselling services is displayed in churches. This information is also available in other languages. Guidelines on best practice for ministry with children and code of conduct for working with children are also displayed in churches and other church property. Children in all parishes have been advised regarding

whom they can speak to if they have any concerns. A document on empowering children has also been circulated within the diocese. Children have been involved in drawing up procedures and protocols in parishes. The diocese has hosted a conference on communicating the church's safeguarding message for parish safeguarding representatives and parish clergy.

The designated officer and deputy hold regular meetings with the HSE Child Care Manager and local Gardai. The Child Care Manager is invited to a diocesan conference on safeguarding. There is good liaison with local Gardai on vetting procedures.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

The designated officer can obtain advice and support from the National Office at Maynooth and local HSE Child Care Manager. Other personnel may obtain advice from the Diocesan Safeguarding Office and Designated Person. There is guidance on how to respond to and support a child who is suspected of having been abused. Those people who have suffered abuse have access to a support person to assist, where appropriate, with communication with the Designated Person or any other matter. Information on other agencies which provide support is available on church posters.

The Bishop/Administrator will appoint an adviser to those individuals who have abused or have allegations made against them. The role of the advisor is to represent their needs and assist, where appropriate, with communication with the Diocesan Designated Officer and the diocese.

Priests out of ministry have an individual risk management plan devised in consultation with the HSE.

The safeguarding coordinator and advisors have undergone additional training.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

The structures and responsibilities of all individuals, agencies and committees at diocesan level are described in the policy document. All parishes have a written implementation plan

and the responsibilities of the local parish safeguarding representatives and parish priests are clearly stated. The diocese has provided the necessary financial and human resources to implement the diocesan safeguarding policy. Arrangements are in place for audits of parishes to monitor compliance with the diocesan policy and procedures. Audits are conducted by members of the Diocesan Child Safeguarding Committee during visits to parishes and a well designed form is in use for this purpose. There is a commitment to review the policies at regular intervals and to seek the views of young people and parents during this process. The Designated Person is responsible for recording and storing all allegations, concerns and complaints.

All the criteria in relation to this standard have been met.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>1</b>
<b>Notified to diocese by AGS</b>	<b>1</b>
<b>Could not be categorised/analysed</b>	<b>1</b>
<b>Reporting duration could be categorised/analysed</b>	<b>15</b>
<b>Total</b>	<b>18</b>
<b>Allegations against deceased priests</b>	<b>12</b>
<b>Overall Total</b>	<b>30</b>

Table 5.7.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

One allegation could not be categorised with sufficient accuracy because in cross-referencing, the reporting of the allegation could not be confirmed by An Garda Síochána records.

### Analysis of the time taken by the diocese to report allegations

<b>Time taken by diocese to report the allegation to HSE or Gardaí</b>	<b>Reporting Period</b>				
	<b>Pre-1996</b>	<b>Framework 1-Jan-1996 to 7-Dec-2005</b>	<b>Our Children, Our Church 8-Dec-2005 to 23-Feb-2009</b>	<b>Safeguarding 24-Feb-2009 to 31-Jul-2010</b>	<b>Total Allegations Post 1-Jan-1996</b>
<b>1-3 days</b>	-	-	-	<b>3</b>	<b>3</b>
<b>4 to 7 days</b>	-	-	-	<b>2</b>	<b>2</b>
<b>1 week to 1 month</b>	-	<b>2</b>	<b>2</b>	<b>1</b>	<b>5</b>
<b>1 month to 1 year</b>	-	<b>1</b>	-	<b>1</b>	<b>2</b>
<b>1 to 5 years</b>	-	<b>1</b>	-	-	<b>1</b>
<b>5 to 10 years</b>	<b>1</b>	-	-	-	<b>0</b>



Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
10+ years	-	1	-	-	1
Not reported	-	-	-	-	0
<b>Total</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>14</b>

Table 5.7.2: Time taken by diocese to report allegations by Church guidance period

Seven allegations were notified to the diocese during the Safeguarding period and three of these were reported with immediacy.

The remaining reporting 12 of the 15 allegations (80%) which fell to the diocese to report took varying time to report and were not reported in compliance with the relevant church guidance. These referred specifically to allegations notified to the diocese during the Framework period or before. The longest period reported for allegations notified since the Our Children, Our Church period was just under three months, while the remainder were reported within two weeks or with immediacy.

Audit Questionnaire Appendix A which was issued in 2006 and 2009 included the question:

“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”

The diocese’s response was “Yes” with the qualifications that “Children First does not instruct that the phrase ‘without delay’ is to always mean ‘within the next working day’” and the diocese further stated that “when dealing with historic allegations the diocese would welcome direction from the HSE in particular with regard to reporting and support matters”.

Three allegations which fell within the remit of this audit were reported to An Garda Síochána relatively soon after the diocese was notified but were not reported to the HSE until years later. No reason was provided for not reporting to the HSE initially.

### Commentary by the diocese for timescales in reporting to the civil authorities

No reason could be determined for three of 12 allegations which took more than 3 days to report. In one allegation notified in 2004 and not reported for almost a year, information was provided on risk assessment but not on why it took this length of time to make a report.

One allegation was not reported to either authority for almost ten years on the basis that the complainant had informed the HSE directly.

Four allegations took four, five, nine and 16 days respectively to be reported by the diocese and the reason provided for the time taken in respect of each was “N/A” or delay not applicable. In a fifth instance, where the report was made after eight days, the stated reason for this was “unknown”.

Another allegation was made anonymously which resulted in a reporting period of almost three months.

#### Distribution of allegations by individual priest

The 18 allegations made in this diocese were made against nine priests. Of these, eight (44%) were attributed to one priest.

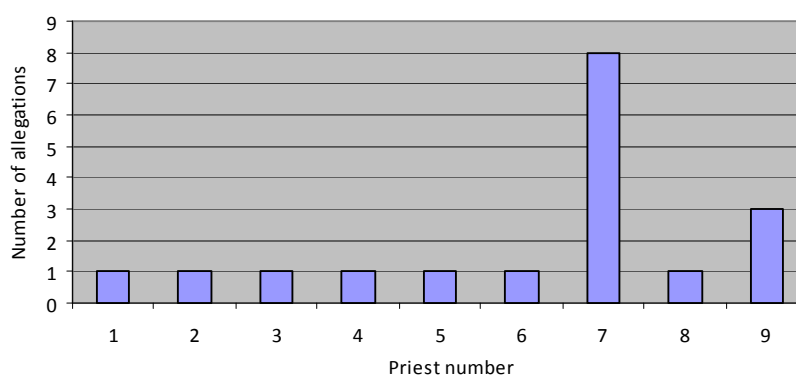


Chart 5.7.4: Distribution of allegations by priest

The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	3	3
Out of Ministry	6	15
No longer in the clerical state	-	-
Other	-	-
<b>TOTAL</b>	<b>9</b>	<b>18</b>

Table 5.7.5: Number of allegations by priest ministry status

A forensic psychologist chosen by the HSE has undertaken risk assessments of a number of priests in the diocese of Cloyne. However it is not clear if the three priests in ministry who

have had allegations made against them have been risk assessed. The diocesan audit returns state that no priest has been convicted of child sexual abuse; however the diocese has since advised that since then one priest has been so convicted.

### **Deceased priests**

Twelve allegations were made against ten deceased priests.

### **Conclusion**

There continues to be room for improvement in speed of reporting in this diocese. Data quality was good with complete dates provided in all but one case.

## 8. Cork & Ross

The diocese of Cork & Ross includes Cork City and part of County Cork. There are 68 parishes and 124 churches in the diocese. The Catholic population is 220,000. The Bishop of the diocese is Bishop John Buckley.

### POLICIES AND PROCEDURES

#### Standard1: A Written Policy on Keeping Children Safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocese published a new safeguarding policy; entitled *“Safeguarding Children in the Dioceses of Cork and Ross”* in November 2011. It was approved and signed by the Bishop. This replaced the Diocesan guidelines published in 2008. The document is written very succinctly and reference is made to the NBSCCC Standards document for more detail.

The Bishop initiated a fundamental review of the safeguarding service in 2011. As part of the review there has been a diocesan consultation process that has been extended to the general public. This consultation process will inform the ongoing strengthening of current arrangements and will also inform a review of policies and procedures in 2012.

A consultation process with Priests and Parish Safeguarding Representatives was begun in 2011. This involved the Diocesan registered trainers meeting with priests and parish representatives to support them in their work, to update them in developments, to hear of progress in their parishes, to discuss any difficulties they may have encountered, and to receive views on matters relating to safeguarding. In addition the trainers are undertaking a specific consultation exercise with young people and representatives of youth groups in the first quarter of 2012.

All the criteria in relation to this standard have been met.

#### Standard 2: Procedures – how to respond to child protection allegations and suspicions

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

Guidance on actions to be taken in responding to allegations is set out in an appendix of the policy document. It is supplemented by the “Managing Complaints- Summary Flow Chart”.

The procedures are consistent with Children First and the designated officer meets regularly with the Child Care Manager of the HSE. The diocese has recently invited the HSE to participate in an Inter Agency forum and this invitation has been accepted.

There is Designated Officer and Deputy Designated Officer in place, both of whom are priests. A professionally qualified social worker, who has been appointed to the safeguarding service, is also a Designated Person. The role of the designated officers is described briefly and reference is made to the NBSCCC Stands document for a fuller description.

The diocese has a process for recording and storing securely all aspects of each suspicion, incident, allegation and referral. A Recording Form was submitted as part of the audit return and the diocese indicated that it notified the National Board by using a resource in the NBSCCC Standards document. The diocese notifies the civil authorities of incidents, concerns and allegations by letter. Files are stored in safe in a secure office and access is restricted to the designated officers.

The policy document does not refer to dealing with complaints about unacceptable behaviour towards children, which falls short of abuse. A training session on this issue is planned for 2012. The code of conduct in the policy provides for a designated leader with whom children can raise concerns and in relation to pilgrimages and away trips. The diocese or parish must have a named person on the trip to whom complaints can be made.

Confidentiality and information sharing is detailed in Appendix F of the diocese policy document.

It is recommended that the diocese:

- include the flow chart on reporting in the revised policy document
- includes a full description of the role of the designated officer in the policy document
- includes the forms for recording incidents in the policy document and makes a clear statement on secure storage
- develops a comprehensive complaints policy and procedure

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

Recruitment procedures are outlined in Appendix G of the Policy Document and copies of the relevant forms are also included. Visiting priests who come from other dioceses or religious orders who wish to minister in the diocese are required to produce an up-to-date *Celebret*. All those with significant contact with children are subject to Garda Vetting. An

audit of parishes is conducted each year. The safe recruitment and vetting policy is in line with best practice guidance.

The diocese has a Code of Behaviour for all adults which is contained in the Policy Document. This has been well publicised throughout the diocese. The consequences for breaching the Code are clear and linked in various ways to organisational disciplinary and grievance procedures. Any breach of the code is brought to the attention of the Designated Officer who assesses it and agrees or advises on the appropriate action with the responsible leader of the relevant activity. This is different for Priests, lay staff and volunteers.

Good practice procedures which include signed parental consent, have been developed for altar servers, choir members and ministers, Guidelines have also been developed for pilgrimages and trips away from home. A Code of Behaviour for those working with children and young people is outlined in an appendix. Guidelines for the development of a code of behaviour for children towards other children, which includes anti-bullying are set out in an appendix. It is stated that children and young people should be consulted when such a policy is drawn up.

There is guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.

Leaders are advised not to undertake tasks of a personal nature except when the welfare of a child demands. There are no specific guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch.

The standard requires that guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation. This is referred to briefly throughout in the Policy and an Appendix but is not comprehensively addressed.

It is recommended that the diocese should:

- develop a code of Conduct for Children and Young People
- develop an anti-bullying policy
- develop an equality policy
- develop guidance on personal /intimate care of children with disabilities
- develop guidance on the appropriate use of all information technology

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The Policy document sets out clearly the training arrangements that are in place in the diocese. Parish Safeguarding Representatives of all parishes in the diocese have received training. Their role includes raising awareness of policy and procedures as outlined in an appendix to the Policy document. Two trainers registered with the National Board for Safeguarding Children (NBSCCC) have delivered over 50 training sessions over the past three years and continue to do so. New people have been identified who will be trained as trainers in early 2012. How to recognize and respond to concerns is included in the training programme.

The Parish Representatives deliver a staff development programme for sacristans, choir leaders and others in each parish. The training team has been increased from two to four and in 2012 the trainers will deliver a new programme presently being prepared by the NBSCCC. The Pastoral Development Office leads the overall responsibility for development and ongoing training.

This standard requires that identified Church personnel be provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge. The diocese has indicated that throughout 2011 a series of refresher training days were provided for all priests and parish representatives. Ongoing training is being provided through a series of meetings throughout the diocese at which the registered trainers update people and respond to queries. The Designated Officer has attended all training provided by the NBSCCC. All personnel involved in any way in the Safeguarding Service of the Diocese receive appropriate training provided by the national Board for Safeguarding Children.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

Every church and parish centre in the diocese is publicly displaying information about the diocese's commitment to safeguard children. In addition the Diocesan brochure that contains essential information has been widely distributed through the parishes. The information is also on the diocesan website.

Children involved in church-related activity are made aware of their right to be safe from abuse. All children who form part of Sunday congregations are also made aware of this. In preparation for involvement for youth events the issue is specifically addressed with the young people who participate.

Safeguarding children has a requirement that children and young people are actively involved in drawing up procedures or protocols; planning of services and evaluation of activities. This has been implemented in two parishes on a pilot basis and it is proposed that it will be rolled out throughout the diocese in 2012.

The name and contact details of the Designated Officers are known throughout the diocese through notices, policy documents, diocesan brochures and website. Contact details for HSE, An Garda Síochána and various help lines are similarly widely advertised.

Over the years the diocese has developed a good working relationship with An Garda Síochána and the HSE. In the context of the Ferns Report and the recommendations of Children First the Bishop invited both organisations to establish an Inter-Agency Forum with the diocese. This has been set up and a meeting has been held to agree the arrangements for working of this group. It is planned to meet four times a year to discuss issues of relevance to child safety. This will enhance the existing relationships and collaboration.

As part of the annual programme of the Diocesan Safeguarding Committee a comprehensive parish audit is in place. This identifies any areas needing attention and informs the work programme. This process was designed in consultation with the HSE Advice and Information Office.

The diocese has an established communication policy that reflects a commitment to transparency and openness.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

The standard requires that designated child protection staff have access to specialist advice, training, support and information. Specialist advice has frequently been sought from the NBSCCC. A series of meetings with priests and parish representatives has begun at which the diocesan trainers are providing support and information to those designated to protect children. The Diocesan Advisory Panel is also available to provide specialist advice. This Panel was reviewed and strengthened in 2011 and the expertise available on the panel meets the National Board's standard and has an appropriate and skill and gender mix. The diocese has committed to the Case Management Reference Group initiated by the National Board and is now part of a pilot scheme. These developments are a particular strength in the diocese's arrangements for safeguarding children. Specialist forensic services are commissioned as appropriate. Consultation and supervision arrangements are in place and the designated officers have external professional supervision in place.



There is guidance on how to respond and support a child who is suspected to have been abused; and information is provided to those who have experienced abuse on how to seek support. Appropriate support is provided to those who have perpetrated abuse. However, the audit return indicates that in each situation where an allegation is received either the Designated Officer or his Deputy takes overall responsibility to ensure that the needs of all parties are addressed. This includes people who make complaints and any person who is the subject of complaints. Counselling is offered without prejudice, to everyone making a complaint and a number of people have been designated as Support Persons.

A panel of Advisers is also available in the diocese to act in accordance with the role as described in the NBSCCC Standards document.

Since 1993 the diocese has a Continuing Care Therapy Group. The participants in this group are priests who have either been convicted of sexual abuse or who have not been prosecuted but have admitted their guilt. The group meets monthly and is guided by a qualified counsellor who also provides individual counseling for the members if needed.

As part of her duties the recently appointed professional social worker will review the current arrangements in place regarding the ongoing monitoring of their circumstances and will address any issues identified in each case.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

A Diocesan Child Protection Committee is charged with the monitoring and implementation of the Diocesan Policy. It is currently working on a plan as outlined in the Policy Document. The plan is to be finalised at the meeting Diocesan Safeguarding Committee in February 2012.

In addition there is an Operational Management meeting that is held monthly. This group is chaired directly by the Bishop and serves to ensure effective internal communication and decision making.

The diocese of Cork and Ross guarantee all resources necessary for the implementation of the plan.

There are good arrangements in place to monitor compliance with child protection policies and procedures. As part of their role parish representatives monitor the implementation of all safeguarding procedures in a parish. Each priest is also clear about his responsibilities in relation to any incident, allegation or complaint. This includes the recording of incidents/allegations. All such matters are reported to the Diocesan Designated Officer who carries responsibility for maintaining appropriate records and ensuring that all necessary actions are taken and monitored. In addition to local monitoring by the parish

representative, an audit of the progress of each parish in this area is conducted annually by the Diocesan Child Safeguarding Committee. The newly appointed social worker has been specifically tasked with evaluating the experience of a sample of complaints in order to assess the effectiveness of the diocesan response.

All the criteria in relation to this standard have been met.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>2</b>
<b>Notified to diocese by AGS</b>	<b>1</b>
<b>Could not be categorised/analysed</b>	<b>12</b>
<b>Reporting duration could be categorised/analysed</b>	<b>27</b>
Total	<b>42</b>
Allegations against deceased priests	<b>5</b>
Overall Total	<b>47</b>

Table 5.8.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

Of the 42 allegations included in the diocesan audit returns and submitted subsequently, 12 could not be categorised in terms of time taken to report.

In some cases this was because of incomplete dates provided by the diocese, for example where either the date of receipt by the diocese or of reporting to the civil authorities was not included. Two of these related to alleged incidents elsewhere in the world; the returns state that the diocese does not have information on one and that the other was notified to the authorities in the country concerned.

On cross-referencing, in some instances the dates provided by the diocese for reporting allegations did not match with HSE records. For example, in one case HSE records show the date of notification as being some three months later than that provided by the diocese. In 11 other cases HSE records show the reporting date some three weeks after that provided by the diocese and in another the reporting date could not be confirmed by the HSE. Similarly An Garda Síochána had no record of one allegation that was stated to have been referred to it by the diocese.

The following question was put to all dioceses in Audit Questionnaire Appendix A:

*“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day”.*

In its January 2010 response to this question the diocese stated:

“In all instances where it is known that a child has been or is being sexually abused by a priest or religious, this is reported to the civil authorities without delay. The precise timing will vary in practice, depending on exact circumstances... In practice the matter is reported without delay, but not always within the next working day”.

When the diocese submitted Audit Questionnaire Section 5 in August 2009, it stated that 33 allegations had been made against priests in the diocese. However, the most recent diocesan audit returns indicate that 42 allegations were known to the diocese at that time.

When Audit Questionnaire Section 5 was completed in January 2010, 13 allegations were excluded on the basis that they had been made anonymously. However two other anonymous allegations *were* included in response to this questionnaire and so there appears to be inconsistency in the diocese’s approach to reporting anonymous allegations. A further two allegations that were also not included and should have been, were known to the diocese at that time. The reason for the omission in one case was that the allegation was discovered during a file review. The other allegation had been reported to An Garda Síochána at the time of notification to the diocese and later to the HSE, but no reason was provided for omitting it from the audit returns.

### Analysis of the time taken by the diocese to report allegations

Four allegations were reported to the civil authorities within 1 to 3 days, all of which were first notified to the diocese during the Framework period. Two notified to the diocese during the Safeguarding period were not reported to the civil authorities with immediacy. The reporting periods were five and 14 days respectively but it appears that the diocese does not consider these timeframes to constitute delay, as the diocese responded ‘N/A’ or not applicable when asked for the reason for the time taken to report.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	4	-	-	4
4 to 7 days	1	1	-	1	2
1 week to 1 month	1	4	-	1	5
1 month to 1 year	-	4	2	-	6
1 to 5 years	3	-	-	-	-
5 to 10 years	-	-	-	-	-
10+ years	-	2	-	-	2

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
Not reported	3	-	-	-	-
Total	8	15	2	2	19

Table 5.8.2: Time taken by diocese to report allegations by Church guidance period

**Commentary by the diocese for timescales in reporting to the civil authorities**

No reason could be determined from the diocesan returns for 11 of the 31 allegations which explained the time period for reporting. These were not reported in compliance with the church guidance document. For example, the reason *"Not reported to HSE due to presumption of Garda/HSE protocol"* was provided in instances where there was no explanation in time lapses of reporting to An Garda Síochána.

Two allegations notified during the Framework period were not reported for more than 10 years because it was stated that the complainants declined invitations to either make a formal complaint or meet with diocesan personnel. In one instance it was stated that the accused priest had already spent time in prison.

Reasons provided for the time periods other than those above, included that allegations reported up to 1996 tended to be reported in December 1995 which is just prior to when Church guidance was published. Other allegations were made anonymously and so not reported because there was no identifiable complainant. Some allegations were not reported at the complainant's request and others were deemed not to be credible at the time they were received.

**Distribution of allegations by individual priest**

The 42 allegations in this diocese were against 16 priests. Three priests had six or more made against each, accounting for 50% of allegations in the diocese.

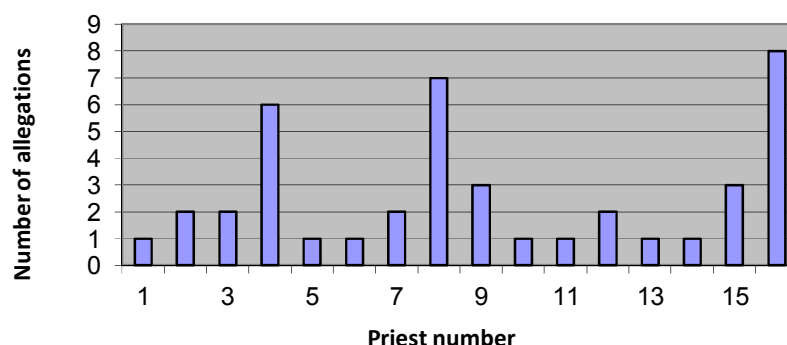


Chart 5.8.4: Distribution of allegations by priest

No priest currently ministering in the diocese has had an allegation made against him. Two priests that are out of ministry in the diocese and no longer in the clerical state have each had an allegation made against him elsewhere in the world. The ministry status of priests with allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In ministry	-	-
Out of ministry	14	38
No longer in the clerical state	2	4
TOTAL	16	42

Table 5.8.5: Number of allegations by priest ministry status

The diocesan audit returns state that four priests have been convicted of child sexual abuse.

### Deceased priests

Five allegations were made against five deceased priests.

### Conclusion

Data quality in this diocese was poor with incomplete dates provided in over a quarter of cases. Of the 19 post-1996 allegations for which the time taken to report to the civil authorities could be calculated with accuracy, four were reported within 1 to 3 days to the civil authorities. All of these were notified to the diocese during the Framework period. Neither of the two allegations reported to the diocese during the Safeguarding period was reported with immediacy, though both were reported within one month. While overall, the speed of reporting has improved considerably, there is substantive room for improvement, the diocese must strive to ensure that all allegations are reported promptly.

## 9. DERRY

The diocese of Derry has parishes in both Northern Ireland and the Republic of Ireland. In the Republic it includes parts of County Donegal while in Northern Ireland it includes almost all of County Derry, part of Tyrone and a very small area of County Antrim. There are 50 parishes and 104 churches in both jurisdictions in the diocese. The Catholic population is 244,270. This audit refers only to the portion of the diocese which is in the Republic of Ireland. The Diocesan Administrator is Right Rev. Mgr. Eamonn Martin.

### POLICIES AND PROCEDURES

#### Standard 1: A written policy for keeping children safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocesan policy is entitled “Safeguarding Children Policy and Procedures” and is dated November 2010. The document follows the seven standards set out in the Standards and Guidance Document produced by the National Board for Safeguarding Children in the Catholic Church. The Derry diocesan document is very comprehensive and covers all the criteria contained within the seven standards. It is well structured and also has a number of appendices. The document was produced by a sub group of the Child Safeguarding Committee of the diocese following a comprehensive review of current practice. The National Board for Safeguarding Children in the Catholic Church undertook a review of Safeguarding Practice in the diocese in August 2011 and commented very positively on the policy document and practice in the diocese.

The policy is written in clear and understandable language and is organised in sections relating to each standard. The policy document including all appendices and forms is available on the diocesan website. It was approved by Bishop Hegarty in November 2010 and has been endorsed by the Diocesan Administrator who was appointed following Bishop Hegarty’s retirement in November 2011. All clergy, staff and volunteers who have a pastoral role involving children are obliged to comply with the guidance and uphold the highest standards of safeguarding in order to prevent harm to children. The guidance applies to all aspects of parish and diocesan ministry in the Church whether within a church building, or when engaged in community work, on pilgrimages, trips and holidays. When groups apply to use church property they are required to complete a form to ensure that they abide by best practice in child safeguarding and have adequate insurance cover.

There is a commitment to report concerns, allegations and suspicions of abuse to the civil authorities without delay.

All the criteria in relation to this standard have been met.

## **Standard 2: Procedures – how to respond to child protection allegations and concerns**

**Children have a right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

There are clear written procedures that provide step by step guidance on actions to be taken if there are allegations and suspicions of abuse. The procedures are consistent with legislation and deal with current and historic allegations whether from an adult or child. The diocese has two named Designated Persons whose names and phone numbers are published widely. The contact numbers are exclusively for reporting concerns or making allegations in relation to safeguarding. Each parish has a safeguarding representative who must report any concerns immediately to one of the Designated Persons. The role and responsibilities of the Designated Persons and parish safeguarding representatives are set out very clearly. There is detailed guidance on actions to be taken when a concern, suspicion or allegation of abuse is received. A form for recording disclosures is included in the policy document. Guidance is also given on confidentiality and information sharing and security of information. Contact details of all civil authorities, help lines, support and counselling agencies are included.

All the criteria in relation to this standard have been met.

## **Standard 3: Preventing harm to children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There are policies and procedures for recruiting church personnel and volunteers. All applicants for paid or voluntary work must complete an application form detailing employment history, qualifications, and names of referees and declaration of any convictions. Photographic evidence is also required. Vetting of staff and volunteers is undertaken. Guidance for composition of interview panels and interviewing procedures are given. Appropriate training for clergy and others involved in recruitment is provided by the diocese. There are codes of conduct for adults and detailed guidance on interacting with children and young people. Codes of behaviour for children participating in church liturgies and activities are included in the document. Guidelines on operating safe activities for children include sections on planning and supervision. Detailed guidelines for good practice for pilgrimages and residential programmes are set out. All children participating in any church activity are made aware of the standards of behaviour expected of them. An anti-bullying environment is promoted and children are expected to behave appropriately towards each other. Church personnel are made aware of the procedures for raising concerns or suspicions about unacceptable behaviour towards children by other adults. Unacceptable behaviour in children is managed in a positive manner that encourages children to achieve self control. Guidance is provided stating that discriminatory language or behaviour at those of a different race, culture, age, gender, disability, religion, sexuality or

political view is clearly not acceptable. Guidelines have been developed on standards for intimate/personal care of very young children or those with disabilities including appropriate and inappropriate touch.

There is a very clear and comprehensive section on the use of modern information technology. The guidelines cover all current methods of accessing and communication of information. There are also guidelines on the use of photography and video.

All the criteria in relation to this standard have been met.

#### **STANDARD 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

All church personnel in the diocese who come into contact with children are offered training in child safeguarding to maintain high standards and good practice. Training is adapted to both Northern Ireland and Republic of Ireland legislations.

The diocese has two accredited trainers who regularly update themselves on issues related to safeguarding children and vulnerable adults by attending relevant courses, workshops and conferences. Information from these training events is shared with local safeguarding representatives and priests at regular deanery meetings and training workshops. Training in safeguarding children for all safeguarding representatives is provided annually. Attendance records are taken and evaluation forms are completed to provide feedback to the trainers. Individuals are not permitted to engage in work with children and young people until they have completed basic awareness training on safeguarding children procedures.

All those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk and acting as Designated Persons have extra training provided. Arrangements are in place to ensure that children and young people are given information on their rights and responsibilities.

The training materials used are up to date and cover all aspects of safeguarding.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The Safeguarding Policy Statement is prominently and permanently displayed in all churches and church premises. The full policy on safeguarding is kept in parish offices and is available to parishioners on request. It is also available on the diocesan web site. Through training all clergy, employees and volunteers have a working knowledge of the policy and procedures on safeguarding. Special notices designed to be easily read and comprehended by children



are on display in churches and church premises advising children of their right to be safe as well as giving details of a person to contact if they have any worries or concerns.

Everyone in the church organisation is made aware of the content of the safeguarding policy and procedures and codes of conduct. They are also informed of the contact details and role of the Designated Persons. Information on local statutory and voluntary safeguarding services as well as helpline numbers are displayed on church notice boards.

The safeguarding message is communicated throughout the diocese by means of notices, leaflets, newsletters, parish bulletins and pastoral letters.

Links and good working relationships have been developed with statutory agencies in order to keep children safe. There is regular communication with staff at the National Board for Safeguarding Children in the Catholic Church.

The diocese is currently working on a number of initiatives to further develop communicating the church's message on safeguarding children and young people.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Young people who participate in church activities are advised that there is support and advice to those who may have been abused. In churches there is clear information displayed regarding sources of advice and support for victims and families. The Designated Persons can provide information about where and how to get specific help and advice to any person who may have a current or historical allegation of abuse. Pastoral support is available to any complainant. Care is taken not to compromise any investigation or put children at further risk. Special arrangements are in place to help adults or children with learning difficulties to access advice and support.

Those who are accused of abuse will have pastoral support and advice offered by an appointed advisor as they go through reporting and investigation. Any perpetrator of abuse is encouraged to seek appropriate remedial and therapeutic help to enable him/her confront the gravity of abuse.

All members of the safeguarding children team have access to specialist advice, support and information on issues relating to keeping children safe. These include maintaining strong links with statutory and voluntary agencies locally as well as other diocesan teams, working parties and regular contact with the National Office for Safeguarding Children in the Catholic Church.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and monitoring the standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

Financial and human resources are in place for the implementation of the Safeguarding Children Policy. The diocese annually reviews the implementation of its policies and procedures and updates any changes in legislation and guidance. The Safeguarding Committee ensures that the Designated Person deals with all complaints received and all related records are stored in compliance with data handling legislation.

A record of all training events and a register of attendance is kept on file. The Diocesan Committee receives details of who manages recruitment and vetting at parish level, where records are stored and how recruitment is monitored. Local safeguarding representatives in each parish provide the Diocesan Committee with annual statistics of number of staff and volunteers in each parish who have been recruited and vetted. Processes have been developed to give parents, carers and children the opportunity to give their views on measures contained in the Keeping Children Safe Policies and Procedures. All incidents, allegations and suspicions of abuse in the diocese are recorded and stored securely in line with data safeguarding legislation.

All the criteria in relation to this standard have been met.

#### **ALLEGATIONS**

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Allegations relating to Northern Ireland</b>	<b>21</b>
<b>Allegations relating to Republic of Ireland notified to diocese by HSE</b>	<b>0</b>
<b>Allegations relating to Republic of Ireland notified to diocese by An Garda Síochána</b>	<b>0</b>
<b>Allegations relating to Republic of Ireland that could not be categorised</b>	<b>0</b>
<b>Allegations relating to Republic of Ireland for which reporting duration could be categorised</b>	<b>1</b>
Total (ROI and NI)	22
Allegations against deceased priests	1
Overall Total	23

Table 5.9.1: Summary of allegations data provided by diocese

A further allegation was made elsewhere in the world in relation to a priest who at the time of the alleged incident was incardinated in the diocese of Derry. The priest was convicted of

child sexual abuse in the jurisdiction in which the offence took place and has never held an appointment in the Republic of Ireland. He has since been incardinated in a diocese elsewhere in the world.

All data hereafter includes only allegations made in the Republic.

### **Quality of allegations information provided by diocese**

The time taken to report the single allegation relating to the Republic of Ireland could be categorised with accuracy.

### **Analysis of the time taken by the diocese to report allegations**

The single allegation relating to the Republic of Ireland was notified to the diocese during the Our Children, Our Church period and was reported to the civil authorities within eight days. It is stated in the diocesan returns that the initial notification lacked a specific allegation but vaguely referenced abuse. After an opportunity was provided to the complainant to submit further information, the information was reported to the HSE.

### **Distribution of allegations by individual priest**

One priest in this diocese has had an allegation made against him in the Republic of Ireland. This priest is retired and was not risk assessed on the basis that prior to the allegation coming to the attention of the diocese; the priest lived in Northern Ireland where social services did not seek any further action on the part of the diocese.

#### **Deceased priests**

One allegation was made against a priest who is now deceased but who was alive at the time the allegation as received by the diocese.

### **Conclusion**

Sixteen (16) priests in this diocese have had allegations made against them, one of them for alleged incidents in the Republic of Ireland. That allegation was reported in a timely fashion.

## 10. DUBLIN

The archdiocese of Dublin includes the city and county of Dublin, nearly all of County Wicklow and portions of Counties Carlow, Kildare, Laois and Wexford. There are 199 parishes and 247 churches in the diocese. The Catholic population is 1,162,000. Archbishop Diarmuid Martin is the Archbishop of the diocese.

### POLICIES AND PROCEDURES

#### Standard 1: A written policy on keeping children safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The Child Safeguarding and Protection Service of the Archdiocese was established in 2003. It promotes the safe care of children involved in Church activities throughout the Archdiocese. It does this through:

1. Providing training for priests and parish workers in safeguarding and child protection
2. Dealing with complaints and concerns about child protection matters, reporting to the civil authorities and advising the Archbishop on any protective measures necessary to protect children from abuse
3. Monitoring the activities of priests known to have abused children in the past in order to minimise the chance of them doing so again.

The service provides pastoral outreach and support for those who have experienced abuse by priests or parish workers.

A new Policy, *Archdiocese of Dublin, Child Safeguarding and Protection: Policy and Procedures* ('the Policy') was launched in April 2011. The policy is designed to be an easy to read, user-friendly document and wide ranging consultations took place with key stakeholders in the course of its development. Over 350 people attended launch events held during April to June 2011. In addition the policy has been distributed to, discussed and promoted at information and training sessions throughout the diocese and over 400 people have attended these sessions.

The policy has been approved and signed by the Archbishop who states that all who work for the Church in the Archdiocese are committed to its implementation. Appendix 2 states that the priests and everyone who works for the Diocese or in one of its parishes must comply with the Policy. The policy will be reviewed in 2014 or sooner if required by changes in legislation, Church guidelines or organisational changes.

The Policy for the Archdiocese provides general guidance to parishes and diocesan agencies and states a requirement for policies and procedures to be expanded to take account of particular situations and circumstances. The diocesan agencies: Crosscare, Catholic Youth

Care (CYC) and the Dublin Diocesan Children's Pilgrimage (DDCP) policies are appropriately more developed and detailed in certain respects. These policies were submitted as part of the audit.

This standard requires that the policy state how those individuals who pose a risk to children are managed. The Policy briefly describes the role of the Priest Support Coordinator but the arrangements for this should be more explicit.

It is recommended that the diocese:

- Ensures that the Policy deals more explicitly with the management of individuals who pose a risk to children.

## **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

### **Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

The diocese's procedures are clear and unambiguous and the Policy Document (the Policy) and A Procedural Guide (the Guide) that sets out how the Dublin Archdiocese implements national guidelines (Children First) and Church Policy, when dealing with allegations against priests. The Guide is very comprehensive and is well written and easily followed. The Policy was drafted in consultations with the civil authorities although efforts to engage the HSE in these consultations were unsuccessful. The Guide contains information on the Diocesan Child Safeguarding and Protection Service and spells out the role of the Designated Person.

The Standard requires that there is a process for recording incidents, allegations and suspicions and referrals and storing these securely, so that confidential information is protected and complies with relevant legislation. The diocese keeps detailed records on all matters relating child protection issues. There is guidance on confidentiality and information- sharing which makes clear that the protection of the child is the most important consideration. These records are stored securely and confidential information is protected in accordance with data protection legislation. There is an incident/accident form for use in parishes and agencies. The diocese does not appear to use the Recording Form contained in Resource Section of the Standards document.

Another criterion in this Standard requires the Diocese to have a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. Section 3 of the Policy sets out what is meant by a child centred approach, which involves, inter alia, *"dealing with their complaints, and those of their parents, effectively and promptly."*

While complaints of abusive behaviour are reported to the civil authorities there does not appear to be a complaints procedure for matters which do not reach the threshold of abusive behaviour.

It is recommended that the diocese:

- Considers using the recording form contained in the Resource Section of the Standards.
- Develops a complaints policy for children and parents.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

Chapter 3 of the diocesan Policy provides general guidance on prevention. It requires those working with children and young people to develop their own policies and procedures to deal with their specific circumstances. The policy documents of three diocesan agencies - Crosscare, Catholic Youth Care (CYC) and the Dublin Diocesan Children's Pilgrimage (DDCP) submitted with the audit return are examples of this approach.

All priests and those working in parishes and diocesan agencies undergo Garda vetting. All applicants for positions are interviewed and references obtained for them.

There is guidance on appropriate /expected standards of behaviour of adults towards children and young people. There is also guidance on expected and acceptable behaviour by children towards other children. This is contained in Section 3 of the Policy and more detail is contained in the policies of the Agencies referred to above. However, there is no specific anti-bullying policy.

This standard requires that there are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary. While the diocesan Policy states clearly that all child protection concerns must be reported to the civil authorities there is no explicit whistle blowing policy.

There are number of other criteria for this standard which are not fully addressed in the Diocesan Policy. These are:

- There are processes for dealing with unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment
- Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views

Policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch. There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from

home. When running projects/activities ensure that children are adequately supervised and protected at all times. Currently this is left to Parish Representatives to do this.

Guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation. The Human Resource Policy refers to the use of Information Technology but this is geared to staff and volunteers.

It is recommended that the Diocese:

- prepares guidance on dealing with unacceptable behaviour
- develops an equality policy
- prepares guidance on the personal/intimate care of children with disabilities
- issues guidance on assessing risk and the requirements for the supervision of children
- reviews its guidance on use of information technology to be more extensive than just referring to computers

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

In 2011 the National Board developed a new suite of training modules for the Safeguarding of Children in the Catholic Church (the 'National Office'). The modules have been developed to ensure that each post holder e.g. Designated Person, safeguarding representatives, receives training appropriate to his/her role. This new training is being provided to priests, employees and volunteers in the Diocese, its agencies and parishes by the Diocese's Training and Development Coordinator and two part-time trainers.

Staff of the Child Safeguarding and Protection Service (CSPS) have access to internal and external professional supervision. They regularly participate in training programmes run by the National Office and by external organisations.

Those personnel dealing with complaints and disciplinary processes in relation to child abuse and inappropriate behaviour towards children receive assistance from the Human Resource Department of the Diocese and the CSPS. Both are staffed with professional people with the training and expertise to deal with such situations. Training and written guidance is provided on safe recruitment practices for appropriate staff.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

Parishes and diocesan agencies are required to promote child safeguarding and protection policies and procedures and guidance on how to do so is contained in this section of the policy. There are a variety of means by which information is made available: information leaflets (general leaflet and one specifically produced for young people); CSPS website;

diocesan annual guidebook; safeguarding statements posted in every Church and parish building and parish websites. The website of the CSPS is currently undergoing a redesign and will go live before the end of February 2012. To coincide with the launch of the new website a Newsletter will be posted on the website. This will be issued on a quarterly basis and give up to date information on developments in parishes and diocesan agencies, best practice initiatives, latest research and other issues relating to child safeguarding and protection.

Many parishes have their own websites that provide information similar to that on the CSPS website and information about child safeguarding and protection is regularly included in parish newsletters and in some parishes the safeguarding representative speaks about his/her work at Mass on an annual basis.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Children and young people are provided with information on where to go for help and advice in relation to abuse through the various mechanisms mentioned above.

The National Office provides advice to the CSPS as required and the Advisory Panel provides independent, expert advice to the Archbishop. It is composed of clerical and lay people with a range of expertise in areas relevant to the management of child protection concerns. The majority of Panel members and its Chairperson are required to be lay people. The Panel is supported by the CSPS, which provides reports and secretarial back up.

The diocese has a very good working relationship with An Garda Síochána. There is one point of initial contact for dealing with child protection concerns in the National Bureau of Criminal Investigation to facilitate this. The Diocese has indicated that the same structure does not exist within the HSE and the CSPS deals with a dozen different Local Health Offices and the level of contact varies as between different Local Health Offices and they do not all take the same approach to the child protection concerns that are notified to them by the CSPS. The Diocese has made extensive efforts to engage constructively with the HSE on a range of issues to improve contact arrangements with the HSE.

There is guidance on how to respond to and support a child who is suspected of having been abused. There is also an arrangement in place for the supervision, monitoring and support of priests against whom allegations of abuse are under investigation or have been substantiated. Depending on their needs and their willingness to engage, they are referred to specialist services for assessment, treatment and counselling. The Priest Support Coordinator monitors their activities in order to ensure that they do not pose a risk to the safety of children and that they are compliant with those restrictions that have been placed on them.



It is recommended that the diocese:

- Continues to engage with the National Office for Children and Families Services in the HSE to discuss the need for more appropriate arrangements.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

The Diocesan Policy stated that the CSPS developed a plan during 2010 setting out targets for the implementation of the standards, including the development of the Policy Document. The plan has not been updated but Chapter 1 of the Policy outlines the structures that have been put in place at both diocesan and parish level to ensure the safety of children involved in church activities.

The Diocese is committed to funding the Child Protection and Safeguarding Service. Each parish has at least one Safeguarding Representative and many have more than one. There are approximately 600 representatives across 200 parishes.

The Diocese is committed to review the Policy as necessary to reflect changes in national or Church Guidelines.

There are processes in place to consult children and parents as a part of the review of the policies and procedures and meetings are held occasionally to allow for exchange of information and views with parishioners. Meetings are held with young people in particular circumstances, for example, the young people who accompany the sick pilgrims on the Diocesan Pilgrimage to Lourdes meet before they go to Lourdes and there is a session devoted to safeguarding and child protection.

The diocese monitors compliance with the policies and procedures through the conduct of annual audits by the CSPS of safeguarding practices, including recruitment practices, in parishes. The CSPS informs the National Office of all allegations and suspicions of abuse without disclosing the identity of those involved. The Murphy Commission has investigated the diocese. Its child protection arrangements were examined by a team from the Archdiocese of Boston as a part of an Apostolic Visitation. The National Office will audit it in the future.

The Diocese has been gathering data designed to measure the outcomes for children of compliance with national and Church guidelines.

All the criteria in relation to this standard have been met.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>6</b>
<b>Notified to diocese by AGS</b>	<b>16</b>
<b>Could not be categorised/analysed</b>	<b>24</b>
<b>Reporting duration could be categorised/analysed</b>	<b>173</b>
Total	219
Allegations against deceased priests	74
Overall Total	293

Table 5.10.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

24 allegations, or 11% of the total returned to the HSE, could not be categorised with certainty in terms of the time taken to report them to the civil authorities. Almost all of these were from the Framework period or before. In some cases the information provided was ambiguous and in others incomplete reporting dates were provided, resulting in a lack of clarity as to which civil authority was notified first by the diocese.

The audit returns of the Dublin Archdiocese were compared, insofar as was possible, with the findings of the Commission of Investigation report into the diocese and no discrepancies were found.

Since the returns were submitted the diocese has provided a detailed analysis of all allegations of child abuse against living priests of the diocese received from 1 January 2004 to 31 July 2010. Importantly, this includes information about if and when "reasonable grounds" for an allegation were established. The information provided in that analysis has been incorporated, as appropriate, in this report.

### Analysis of time taken by the diocese to report allegations to the civil authorities

22 allegations were notified to the diocese by the civil authorities, leaving 174 which could be analysed in terms of how the diocese handled their reporting to the authorities. This is depicted in Table 5.20 below.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	11	5	5	21

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
4 to 7 days	-	3	3	1	7
1 week to 1 month	1	13	5	1	19
1 month to 1 year	2	10	6	2	19
1 to 5 years	2	6	5	-	11
5 to 10 years	-	14	-	-	14
10+ years	44	5	-	-	5
Not reported	22*	7	-	-	7
Total	71	69	24	9	102

Table 5.10.2 Time taken by diocese to report allegations by Church guidance period

\* Notified In First Instance by Civil Authorities to the Diocese

The 21 allegations reported immediately were notified to the diocese during or after the Framework period.

Of the remaining 82 post-1996 allegations notified to the diocese other than by the civil authorities, 37 (46%) were reported after a year or more or were not reported to one or both authorities. All but five of these dated from the Framework period. Ten allegations were received during the Safeguarding period and five were reported immediately. In relation to the others the diocese has pointed out that one was notified in advance of "reasonable grounds" being established, one within a week, and the others even though reasonable grounds could not be established.

The diocese has submitted that all of the allegations returned in the audit were reported to one or other of the civil authorities by the diocese or by the complainant or were otherwise made known to the Gardaí and/or the HSE. 40 allegations, the most recent of which dates from December 2009, were reported to An Garda Síochána but not to the HSE or *vice versa*, either at all or for a number of years. For example a number of allegations were reported to An Garda Síochána some 9, 13 or 14 years after receipt by the diocese, but were not reported to the HSE other than in this audit. The audit returns state that the diocese *"assumed that the Gardaí were operating in compliance [with] the 1995 protocol, agreed with the then Health Boards.... Later, with the setting up of the Child Protection Service within the Archdiocese, practice changed and the Health Boards, later the HSE, and the Garda are now separately notified of allegations and concerns"*.

**Commentary by the diocese for timescales in reporting to the civil authorities**

Specific reasons for timescales were cited in respect of most allegations. The diocesan returns also stated that Children First and Safeguarding both required that *“where an allegation is made, the respondent should be informed, given an opportunity to respond and that their response should form part of the information notified to the civil authorities. This cannot be done within a day”*. They further stated that *“any information about a current risk to the safety of children is immediately notified to the civil authorities”*. Where allegations come from solicitors, the returns state that although in many cases not enough information is provided for an official notification, the diocese has altered its practice to update the Gardaí regularly with whatever information, however incomplete, has come to its attention. Where allegations of abuse are disclosed to the diocese by third parties, for example where an alleged victim provides the name of a person whom they think may also have been abused, it may take some time for that person to come forward. The diocesan returns state that most allegations recently notified to it pertain to priests who are deceased, are out of active ministry, or have been laicised and are already known to the civil authorities. The returns state that *“It is the practice of the SCPS to immediately notify the Gardaí and the HSE of any current risk to the safety of children. Where there is any suggestion that meeting with the respondent in advance of notification to the civil authorities could jeopardise the safety of children or prejudice a Gardaí investigation, we will seek the advice of the relevant authority before deciding how to proceed”*.

There was no specific reason for timescale in 43 cases but in most of these the diocese has provided further clarification. The reasons for the timescale in reporting the remaining 110 allegations could be understood from the information provided in the audit returns, even if they were not always in keeping with Church guidance. The returns indicate that it was not always possible to identify from older files whether a particular allegation was reported at a particular time: some may have been reported but no record kept. In 1995, just prior to the introduction of Church guidance, the names of a number of alleged perpetrators were provided to An Garda Síochána. From 2003-2004 AGS were provided with access to diocesan files on those alleged to have abused children.

**As noted above, the audit returns indicate that the archdiocese did not report a number of allegations on the basis that the complainant had notified the civil authorities or a solicitor for the complainant had notified the diocese.**

### Distribution of allegations by individual priest

The number of priests against whom allegations were made in this diocese was 44.

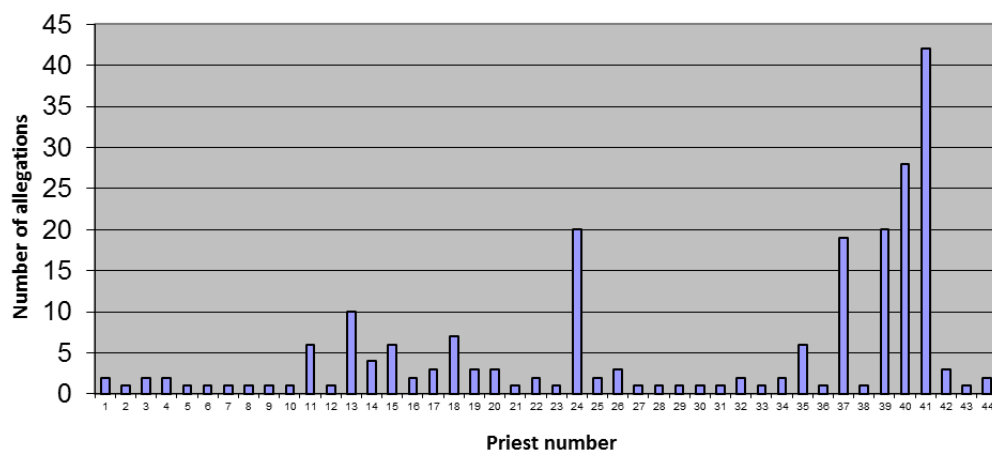


Chart 5.10.4: Distribution of allegations by priest

Five of these had 19 or more allegations made against each, which accounted for 129 allegations of the 220 (59%) made in this diocese. Four of these priests are no longer in the clerical state and the fifth is out of ministry and resident outside the diocese. The diocesan audit returns state that four of these priests have been convicted of child sexual abuse. The ministry status of priests that have had allegations made against them is set out in Table 5.21 below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	10	13
Out of Ministry	19	76
No longer in the clerical state	13	128
Other	2	3
Total	44	220

Table 5.10.5: Number of allegations by priest ministry status

Risk assessments have been carried out on five of the alleged-against priests in ministry. The diocesan audit returns state that eight priests have been convicted of child sexual abuse.

### Deceased priests

74 allegations were made against 17 deceased priests.

### Conclusion

Data quality in this diocese was fair with incomplete dates provided in 11% of relevant cases.

Of the 103 allegations that were notified to the diocese since January 1996 other than by the civil authorities, 37 took more than one year to report . However only 5 of these were notified after the Framework period. 10 allegations in total were received during the Safeguarding period and although there was a delay in reporting five of those, all but one of these were attributable to the efforts being made to establish "reasonable grounds".

The diocese has submitted that the allegations that had not been separately notified prior to the audit either dated from before 1996 or were such that reasonable grounds could not be established, and that after the introduction of the first set of Church guidelines all allegations against priests currently in ministry were notified in a timely fashion once reasonable grounds had been established.

It is clear from the foregoing that although there were failings in the past there have been important substantive improvements in the reporting of allegations in this diocese in recent years and the diocese work on foot of the findings of the Murphy Commission is evident. Progress has been steady and sustained.

## 11. ELPHIN

The diocese of Elphin includes parts of Counties Roscommon, Sligo, Westmeath and Galway. There are 38 parishes and 90 churches in the diocese and its Bishop is the Most Rev. Christopher Jones. The diocese has a Catholic population of 70,800.

### POLICIES AND PROCEDURES

#### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocese of Elphin has developed a child protection policy entitled “Diocese of Elphin Safeguarding Children: Policy and Procedures” dated December 2009. The Bishop endorsed the policy in the Foreword of the document.

The printed policy is available in several formats and is well presented. The ring binder edition has been distributed to all clergy, diocesan agencies, staff, Child Protection Committees, volunteers, parents and everyone else who have contact with children and young people through their ministry in the Church. It has a detailed and logical table of contents and is written in a clear and understandable way. A booklet edition has also been produced and is used for distribution to parents, young people and children and the general public. The policy is also accessible on the diocesan web site which is very easy to navigate as the various sections are clearly labelled. Relevant forms are contained within the printed versions and are also available for downloading from the web site. Codes of behaviour for young people have been written in child friendly language.

The policy states *“All people, paid or voluntary, who through their ministry in the Catholic Church within the Diocese of Elphin have contact with children/young people are obliged to sign up to the policy document”* and a form for this purpose has been included in the policy document. The policy is a result of a review to ensure that it is up to date with current legislation and aligns with the standards required by the National Board for Safeguarding Children in the Catholic Church. The format allows for easy updating of contents.

The policy addresses child protection in different settings and includes guidance on safeguarding children and young people on trips away from home.

Different forms of child abuse are defined succinctly. At the time of the audit the diocese was awaiting guidance from the NBSCC on the issue of how those individuals who pose a risk to children are managed. The diocese has given an assurance to the auditors that it takes this issue seriously and cooperates with relevant HSE personnel to manage the care of individuals who may pose a risk.

The diocese has appointed two Designated Persons, one male and one female. The Designated Persons have responsibility for handling any reports of concerns and liaise both formally and informally with the Statutory Authorities. Procedures for receiving and reporting concerns and allegations are described.

The diocese has promulgated the revised policies and procedures throughout the diocese by its initial launch event and distribution of 1000 copies to parishioners, meetings with parish safeguarding committees and by publication of a regular newsletter which is distributed within parishes.

The diocese intends to review their Child Safeguarding Policies in 2013.

All the criteria in relation to this standard have been met.

**Standard 2: Procedures – how to respond to child protection allegations and suspicions**  
**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

Procedures for responding to and reporting child protection concerns, allegations or disclosures are clearly set out and contact details of the diocesan Designated Persons, HSE and Garda Síochána are provided. The disciplinary procedures are based on the Guidelines contained in 'Children First: National Guidelines for the Protection of Children' and are operated in parallel with the responding and reporting procedures.

The role and responsibilities of the Designated Persons are set out clearly as are the processes for dealing with incidents, allegations, concerns and referrals, together with reporting forms. A "Confidentiality Statement" is provided which makes clear that the protection of the child is the most important consideration.

All files are stored and kept securely in compliance with legislation as documented in the Diocesan Recording Policy.

All the criteria in relation to this standard have been met.

**Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The diocese has comprehensive recruitment procedure and resource pack which are in line with best practice. There is a code of behaviour for adults and volunteers who work with children and young people in the diocese. The code of behaviour for children and young people is well written and is age appropriate; an anti-bullying policy and guidelines for dealing with bullying are also included. There is a section on the treatment and needs of children and young people with disabilities. Detailed guidance is provided on operating safe



activities for children. The diocese has developed a stand alone whistle blowing policy which is given to staff and volunteers when they attend training.

The diocese has cooperated with other dioceses in the Western Region to produce a separate booklet on the Policy and Procedures for Garda Vetting of all staff in parishes and agencies of the Western Province. It applies to clergy and religious within diocesan settings and, to all volunteers, voluntary lay faithful and ancillary staff in primary schools. The policies and procedures in relation to vetting are a model of best practice.

The diocese has developed a Disciplinary and Grievance Procedure for staff.

The section on the use of information technology covers the use of computers and internet and at the time of the audit a new policy on the use of information technology was being developed for publication in January 2012.

All the criteria in relation to this standard have been met.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The diocese has two HSE Accredited Trainers who are monitored annually by the Information and Advice officer for Mayo/Roscommon. All staff and volunteers who have direct contact with children/young people through their work or ministry are obliged to attend HSE Accredited Keeping Safe Training. Over 100 key parish personnel have received HSE Accredited Keeping Safe Training Programme since December 2009. The Diocesan Safeguarding Office has hosted six separate Information and Support evenings which were attended by priests, local safeguarding representatives and other key personnel. The purpose of the events was to give an overview of the policies and provide other materials for parishes and agencies. Key personnel are kept updated on all developments during in-service training. Key people also avail of training offered by NBSCC and HSE.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The current diocesan Safeguarding Policy is available on the web site as well as in written form as referred to earlier. Copies have been distributed to all priests and diocesan personnel who are part of the diocesan safeguarding structures. Contact details of the diocesan Designated Persons, HSE personnel and An Garda Síochána are included on the web site. It is clear from the documents accompanying the policy document that the diocese has a communications strategy which it has implemented. As stated earlier the diocese has organised a number of events to ensure that the revised policies and procedures have been brought to the attention of everyone involved with children and young people. The Diocesan

Safeguarding notice is prominently displayed in all church buildings and in all property under the auspices of the church to which the public have access. An annual newsletter of which 10,000 copies are produced is disseminated to all parishes in the diocese and is made available to all diocesan personnel and the general public. All documentation relating to safeguarding is available on the diocesan web site.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

The standard of safeguarding has been fully satisfied by the diocese. All church personnel who have special responsibilities for keeping children safe have access to specialist advice and support and information on child protection. Contacts have been established with relevant child protection agencies. Counselling and support person are available to those who have made allegations of child sexual abuse as well as pastoral care and information on the civil and church processes that will follow. Clergy who are alleged to have committed abuse are required to access assessment and treatment services.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

The diocese has established a Diocesan Office for Safeguarding Children headed up by a full time permanent Director of Safeguarding who oversees the development of policies and procedures for safeguarding children. The diocese has made and continues to make human and financial resources available to implement and monitor best practice in safeguarding children. Training is monitored annually by the HSE Information and Advice Officers to ensure it is compliant with current practice. The Diocesan Safeguarding Office is in regular communication with parishes to offer support and guidance in terms of implementation and monitoring of child protection policies and procedures. The diocese has developed a consultation and review form which each parish uses to monitor adherence to best practice. This initiative has been in operation since May 2010.

The record keeping procedures are quite comprehensive and all data is held in line with Data Protection legislation. The data is stored in a safe and secure building with restricted access. Only authorised personnel are allowed access to the records.

All the criteria in relation to this standard have been met.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>1</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>1</b>
<b>Reporting duration could be categorised/analysed</b>	<b>10</b>
Total	12
Allegations against deceased priests	3
Overall Total	15

Table 5.11.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

Only one allegation submitted in the diocesan audit returns could not be categorised with certainty in terms of the time taken to report.

### Analysis of time taken by the diocese to report allegations to the civil authorities

Of the 11 reportable allegations that could be categorised, one was notified to the diocese by the HSE, three were reported by the diocese with immediacy and a fifth within five days.

<b>Time taken by diocese to report the allegation to HSE or Gardaí</b>	<b>Reporting Period</b>				
	<b>Pre-1996</b>	<b>Framework 1-Jan-1996 to 7-Dec-2005</b>	<b>Our Children, Our Church 8-Dec-2005 to 23-Feb-2009</b>	<b>Safeguarding 24-Feb-2009 to 31-Jul-2010</b>	<b>Total Allegations Post 1-Jan-96</b>
<b>1-3 days</b>	-	-	1	2	3
<b>4 to 7 days</b>	-	1	-	-	1
<b>1 week to 1 month</b>	-	1	-	-	1
<b>1 month to 1 year</b>	1	1	1	-	2
<b>1 to 5 years</b>	-	2	-	-	2
<b>5 to 10 years</b>	-	-	-	-	0
<b>10+ years</b>	-	-	-	-	0
<b>Not reported</b>	-	-	-	-	0
Totals	1	5	2	2	9

Table 5.11.2: Time taken by diocese to report allegations by Church guidance period

When completing its response to Audit Questionnaire Appendix A issued in 2006 and 2009, the diocese responded “Yes” to the question:

*“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”*

The diocese inserted the above asterisk and added: “the precise timing will vary depending on the exact circumstances and on the availability of the relevant statutory authorities to receive the report”.

#### **Commentary by the diocese for timescales in reporting to the civil authorities**

Overall, there was varying timeframes used in the reporting of six of the ten allegations received since the Framework period to the civil authorities which were not in compliance with the relevant guidance.

Two allegations notified to the diocese in 2002 took just over two and a half years to be reported. The diocesan audit returns state that these related to the same priest, in respect of alleged incidents elsewhere in the world and that the time taken was as a result of awaiting information from a foreign diocese.

One 2002 allegation was reported to An Garda Síochána within a week but not notified to the HSE until five years later on the basis that the “*Church assumed Gardaí would report to HSE through protocol.*” The diocese has submitted that when it became aware of the allegation “the Gardaí were already aware of and had involvement with the case for ten years and they never had cause to bring to the attention of the diocese any safeguarding concerns regarding the priest. The complainant withheld his/her name from the diocese until recently and to this day remains unwilling to make an actual complaint”.

Other reasons provided in the audit returns for the time taken in reporting included that it took some time for the delegate to meet the complainant or that the diocese had difficulty in contacting the complainant. In one instance there was a lengthy period of 12 days before a report to the civil authorities was made and the reason provided by the diocese in that case was “*No Delay*”. The diocese has submitted that this was the first case that arose in Elphin since publication of the Framework document in 1996 and that “it took time to record the complaint, get everything organised and establish contact with the HSE/Gardaí”.

#### **Distribution of allegations by individual priest**

One priest incardinated in the diocese has had two allegations made against him and the other 10 have had one allegation made against each.

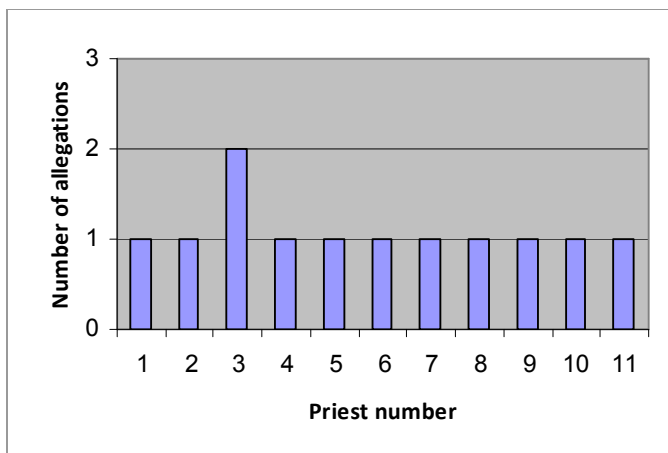


Chart 5.11.4: Distribution of allegations by priest

Six priests in ministry in this diocese have had one allegation made against each. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	6	6
Out of Ministry	2	3
No longer in the clerical state	3	3
Total	11	12

Table 5.11.5: Number of allegations by priest ministry status

The diocesan audit returns state that no priest has been convicted of child sexual abuse.

### Deceased priests

Three allegations were made against one deceased priest in relation to alleged incidents elsewhere in the world.

### Conclusion

Data quality in this diocese was good. The findings are unusual in the distribution of allegations against priests, with ten priests having one allegation made against each and two allegations attributed to an eleventh.

## 12. FERNS

The diocese of Ferns includes almost all of County Wexford and part of County Wicklow. There are 49 parishes and 101 churches in the diocese. The Catholic population is 100,227. Bishop Denis Brennan is the Bishop of Ferns.

### POLICIES AND PROCEDURES

#### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocese states that its Child protection policy aims to ensure a safe environment, where risks are minimised, where those affected by abuse are supported, where offenders are brought to account and where all allegations are dealt with promptly.

The policy statement is clear and succinct. It begins with a value statement and makes a series of commitments to good practice relating to safe environments, minimising risks, recruitment of employees and volunteers, support of victims of abuse, accountability of offenders and reporting of complaints and allegations.

It also contains contact details of the Diocesan Delegate, Support persons, local Gardai and HSE offices. It states that all church personnel must comply with the policy.

The policy statement is undated but it refers to Children First (2011) indicating that it has been published recently.

The policy has been distributed to every parish and curacy in the diocese, and posted in all churches, sacristies, parish halls and other places under the jurisdiction of the diocese. It was also promoted through information sessions in every parish and through parish safeguarding representatives. Ten thousand newsletters were distributed to parishes, church organisations and personnel in the diocese.

The policy has been approved by the Safeguarding Committee, Advisory Panel, Inter Agency Panel, National Office and the Bishop and Diocesan Vicars. .

The next review is scheduled for 2014 in consultation with the above and ongoing feedback from all parish safeguarding representatives.

All criteria in this standard have been met

#### **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

The Diocese has established a Safeguarding Office and Safeguarding Committee. The diocese has appointed a Delegate (Designated Person), deputy and support person whose contact details are on the policy statement and the web site. The role of the Delegate is described as the person who meets with complainants and those who have concerns regarding abuse. The Designated person is responsible for reporting concerns/allegations to the bishop and reporting to the HSE and Gardai without delay. The reporting procedure gives step by step guidance on how to respond to allegations and suspicions. There is a flow chart which summarises the action to be taken on receipt of an allegations, and a list of do' and don'ts. The designated person also shares information with the accused person. Pastoral support is offered to the complainant and their family. If an adult or child makes a disclosure they are given details of the procedure followed by the diocese in dealing with the matter. If a child appears to be at serious risk the civil authorities are informed immediately. There is a code of conduct for clergy, staff and volunteers working with children and young people. This has been expanded to cover youth leaders and helpers who assist on pilgrimages. All those involved in child safeguarding procedures are made aware that confidentiality is such as that information is only shared on a need to know basis. All recorded data is kept in a safe and secure place. The diocese has not developed a complaints policy for dealing with complaints made by adults and children about unacceptable behaviour towards children.

All the criteria in this standard have been met.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There is a sound recruitment and vetting policy for volunteers and employees. Posts are advertised with appropriate job descriptions and applicants must complete an application and declaration form. A panel of three interviewers conduct interviews. Garda vetting is carried out on those who have significant contact with children and there are three trained authorised signatories. The diocese has stated that there are procedures in place in all organisations for all leaders/or management group in every case to be informed of any difficulties or concerns and to deal with them. The code of conduct referred to previously is binding to all adults working with young people. Recently a risk assessment of all activities involving children has been carried out in consultation with the diocesan insurers. There is a policy in place for pilgrimages which includes supervision ratios and codes of conduct for youth leaders, pilgrimage workers and helpers. Young people going on a pilgrimage are required to sign a contract undertaking to adhere to the code of conduct. A Designated Child Protection Officer is appointed for the duration of the pilgrimage who has responsibility for responding to any child protection concerns.

The diocese has stated that each organisation working with children has its own disciplinary code and procedures. The majority of organisations are not under the auspices of the

diocese but some may use parish property. The diocese has comprehensive disciplinary and grievance procedures for employers, employees and volunteers.

Ministers of the Eucharist, Ministers of the Word, church collectors and ushers must complete a declaration form relating to criminal convictions and disciplinary issues prior to appointment.

There are well publicised procedures in which church personnel can report allegation and/or suspicions about unacceptable behaviour towards children by volunteers or other adults, if necessary in confidence.

Partnership with parents/guardians is seen as an important principle in all settings and particularly necessary in relation to children needing intimate care. Parents are encouraged and empowered to work with staff to ensure that their child's needs are identified, understood and met. There is advice stating that where a routine procedure is required an intimate care plan should be agreed in discussion with the child, parents/guardians and relevant health care personnel.

There are policies on use of email, Internet, social networking and guidelines on recommended supervision ratios for events, activities and trips.

It is recommended that the diocese

- Asks for photographic ID as part of the recruitment process for staff and volunteers.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The diocese appointed a training officer in 2002 who is assisted by three accredited trainers who have completed The Keeping Safe Programme. The training officer has completed the tutor course. Each of the trainers has registered with the NBSCCC. All people who have contact with children in the course of their work are obliged to undertake training relevant to their role.

Priests have attended a series of training events including residential courses and seminars which were held in October 2002 and January 2004 followed by evening courses and seminars. Safeguarding representatives have attended weekend courses and their training is ongoing. Designated persons, support persons, priests advisers have all attended seminars on their specific roles, including data protection, current legislation and good practice. There is a strategy in place to provide further training for all personnel engaged in work with children.

Participants evaluate training sessions and feedback is considered when further training is planned.

All the criteria in this standard have been met.



### **Standard 5: Communicating the Church's safeguarding message**

#### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The child protection policy and contact numbers of Designated Person and civil authorities are displayed on an A4 sheet in churches and other diocesan property. In 2005 over one thousand people attended parish based information sessions in the diocese. Three to four times a year parish congregations are informed of the names and roles of safeguarding representatives in their parishes. Children and adults are invited to speak to the designated person if they have concerns. The schools provide the "Stay Safe Programme" to make children aware of the procedures to follow if they have any concerns. Parish newsletters, parish bulletins and pastoral letters are used as a means of communicating the diocese's safeguarding message as appropriate.

All safeguarding policies and procedures can be accessed on the diocesan web site and are also available in hard copy on request.

The diocese has a good working relationship with the HSE and Garda Síochána. Regular meetings are held with these agencies and the diocese has shared all information regarding child safeguarding with them.

All the criteria in this standard have been met.

### **Standard 6: Access to advice and support**

#### **Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

#### **Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Complainants of abuse and their families are offered outreach support and/or counselling.

All those who have allegations made against them are offered an advisor (support person) which to date has been accepted. A residential training course for advisors was held in September 2004 and all current advisors have attended seminars organised by the National Office on their role in recent times.

The diocesan outreach person was appointed in November 2002. Support and comfort are offered on behalf of the diocese to the complainant and if the latter wishes to have counselling they are helped to access it.

The role of the support person is;

- To offer support and a 'listening ear' to victims of abuse and their families

- To have regular meetings with victims if it is their wish
- To be a liaison person between those who have been abused and the diocese
- To be available to family members
- To arrange meeting(s) with Bishop on complainant's request
- To keep them up to date on the progress of their own case/investigation.

Details of the role of the Advisor appointed to each respondent are outlined in full.

The specific responsibilities of the Designated person, Support person and Advisor are clearly set out.

All the criteria in this standard have been met.

### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

The diocese monitors compliance with the Safeguarding Policies and procedures by the following actions.

- Safeguarding personnel have been appointed and trained by the diocese
- Finance is made available to cover training for those who work with children in church settings
- Safeguarding representatives do parish audits which are returned to the safeguarding office
- All incidents, allegations and suspicions of abuse in the diocese are recorded and stored securely
- A record of training events and attendance list are kept in the Safeguarding Office
- Parish information sessions continue as the need arises
- The Safeguarding Committee meet regularly to plan ongoing training, to review policies and procedures, and to implement new legislation
- Regular contact with safeguarding representatives is maintained for both support and upskilling
- Parish Audits are carried out and returned to the safeguarding Office.

All the criteria in this standard have been met.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>2</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>4</b>
<b>Reporting duration could be categorised/analysed</b>	<b>25</b>
Total	31
Allegations against deceased priests	14
Overall Total	45

Table 5.12.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

Four allegations could not be analysed with certainty. In three of these no date was provided for when the diocese was first notified of the allegation.

The Ferns Report found that three allegations against one priest were notified to the diocese in 1972/3 and the 1990s. However the diocesan audit returns indicate that the first year in which it received an allegation against that priest was 2003. This suggests that there may be discrepancies in the diocesan audit returns or that they are incomplete.

### Analysis of the time taken by the diocese to report allegations

25 allegations could be categorised in terms of time taken to report them to the civil authorities. Three notified to the diocese during the Our Children, Our Church period were reported with immediacy.

<b>Time taken by diocese to report the allegation to HSE or Gardaí</b>	<b>Reporting Period</b>				
	<b>Pre-1996</b>	<b>Framework 1-Jan-1996 to 7-Dec-2005</b>	<b>Our Children, Our Church 8-Dec-2005 to 23-Feb-2009</b>	<b>Safeguarding 24-Feb-2009 to 31-Jul-2010</b>	<b>Total Allegations Post 1-Jan-1996</b>
<b>1-3 days</b>	-	-	<b>3</b>	-	<b>3</b>
<b>4 to 7 days</b>	-	<b>1</b>	-	-	<b>1</b>
<b>1 week to 1 month</b>	<b>1</b>	<b>6</b>	-	<b>1</b>	<b>7</b>
<b>1 month to 1 year</b>	-	<b>5</b>	<b>4</b>	<b>1</b>	<b>10</b>
<b>1 to 5 years</b>	-	<b>3</b>	-	-	<b>3</b>
<b>5 to 10 years</b>	-	-	-	-	<b>0</b>
<b>10+ years</b>	-	-	-	-	<b>0</b>
<b>Not reported</b>	-	-	-	-	<b>0</b>
<b>Total</b>	<b>1</b>	<b>15</b>	<b>7</b>	<b>2</b>	<b>24</b>

Table 5.12.2: Time taken by diocese to report allegations by Church guidance period

The time taken in reporting 21 allegations since the introduction of Church guidance in 1996, was found not to be in compliance with then expected standard. Audit Questionnaire Appendix A which was issued in 2006 and 2009 included the question:

*“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”*

The diocese’s response was that:

*“when it is known or suspected that a child has been abused by a priest, church employee/volunteer, the matter is reported to the HSE and Gardaí. To date the diocese has had historical cases only, and all reports of abuse have been made without delay.”*

However, the table and chart above demonstrate that not all reports of abuse have been made within this time frame.

### **Commentary by the diocese for timescales in reporting to the civil authorities**

Reasons provided for time taken to make reports to the civil authorities included that the identity of the complainant was unknown, that his/her permission was awaited before passing on the details to the civil authorities, he/she was not willing to make a formal complainant and in one instance that correspondence was received during the holiday period.

12 allegations were reported to the diocese after the publication of the Ferns Report in October 2005, which report gave rise to this audit.

Three allegations were reported with immediacy and a further four took in the region of 12 to 18 days to report. The remaining allegations were reported around two months after receipt by the diocese.

### **Distribution of allegations by individual priest**

The number of priests against whom allegations were made in this diocese was 9. Two priests had six or more allegations made against each.

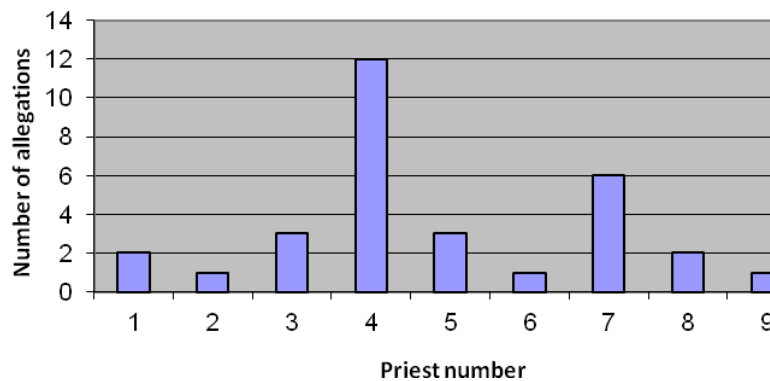


Chart 5.12.5: Distribution of allegations by priest

No priests in ministry in the diocese have had allegations made against them. One priest, represented as “Other” in the chart below, was not incardinated in the diocese and is no longer resident there. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	-	-
Out of Ministry	2	3
No longer in the clerical state	6	27
Other	1	1
Total	9	31

Table 5.12.6: Number of allegations by priest ministry status

The diocesan audit returns state that two priests have been convicted of child sexual abuse.

### Deceased priests

The diocese has indicated that 14 allegations were made against one deceased priest.

### Conclusion

Data quality in this diocese was fair with incomplete dates provided in 15% of cases. As this audit covers all allegations against living priests known to dioceses, these figures include the period covered by the Ferns Report.

While there was some considerable improvement in the speed of reporting following the publication of the Ferns Report, it is clear from the foregoing that allegations continued not to be reported in accordance with Church guidance. Most of the notified allegations after the Ferns Report was published were not reported with immediacy. No reason for the time taken to report was provided in relation to most of these. It is also not clear from the diocesan audit returns why no dates were provided when the diocese was first notified of

three allegations. The diocese has expressed their belief that these analysis figures are incorrect and is not an accurate representation of the data provided for the purposes of audit. It is regrettable that this is the case.

### 13. GALWAY, KILMACDUAGH AND KILFENORA

The diocese of Galway, Kilmacduagh and Kilfenora includes portions of Counties Galway, Mayo and Clare. There are 39 parishes and 71 churches in the diocese. The catholic population is 105,707. Kilfenora is in the province of Cashel but the Bishop of Galway and Kilmacduagh is its apostolic administrator. Bishop Martin Drennan is the Bishop of Galway, Kilmacduagh and Kilfenora.

#### Policies and Procedures

##### Standard1: A Written Policy on Keeping Children Safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The diocese has a Child Protection Policy “Safeguarding Children and Young People” 2010. The Diocesan Policy is based on the Standards Document produced by the NBSCCC and is written in a clear and easily understood way. The introduction to the policy states that the Diocesan Child Protection Committee aims to provide a fairly brief policy document taking account of the NBSCCC Safeguarding Standards Documents and all personnel should refer to the NBSCCC document for more comprehensive guidance. There is also a Policy Statement poster that contains contact details for personnel within the diocese, the contact details for the HSE and An Garda Síochána.

The policy has been approved and signed by the Bishop, the Diocesan Safeguarding Committee and the NBSCCC. It states that all church personnel are required to comply with it. All personnel, paid or voluntary are required to sign an undertaking to implement the policy and adopt all the standards, procedures and codes of behaviour it sets out that are relevant to each person. It has been widely circulated throughout the diocese.

The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays and clearly describes the Church’s understanding and definitions of abuse.

The Safeguarding Committee meets every 6 weeks to review and update policy as required by best practice.

The matter of reporting to the civil authorities is dealt with in Standard 2 Reporting Procedures.

There is one omission in the Policy that is required by the NBSCCC Standards regarding how individuals who may pose a risk to children are managed.

It is recommended that the diocese:

- Develops a policy on the management of individuals who pose a risk to children.

**Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

There are clear procedures that provide step-by-step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current). Form 9 of the Policy Document is easy to follow and complete. In addition each staff member and volunteer is given a memory card to carry on their person. This card set out the “Dos” and “Don’ts” of dealing with a disclosure and the contact details for the diocesan Designated Persons.

The child protection procedures are consistent with legislation on child welfare, civil guidance for child protection and written in a clear and easily understandable way. Each staff member and volunteer is given a copy of the policy which is also available in each parish and on the diocesan website. . All parents, carers and children are given a copy of the Code of Behaviour for the staff Leaders and children.

There are two Designated Persons (one female and one male) and their roles are detailed in the policy document. The policy states that all allegations referred to these persons are reported to the civil authorities without delay.

There is process for recording incidents, allegations and suspicions and referrals and storing these securely, so that confidential information is protected .All forms are stored in a secure fire proof safe in the Diocesan Safeguarding Office.

This standard requires that there is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. There is a General Complaints Procedure set out in the Policy.

There is guidance on confidentiality and information sharing which clearly states that the protection of the child is the most important consideration.

All the criteria in this standard have been met.

**Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The Policy document sets out the procedures for recruiting staff and volunteers who have contact with children and assessing their suitability to work with children. There are several forms contained in the policy that all relevant personnel must fill out and there is a Garda Vetting Policy. The recruitment and vetting is in line with best practice.

There is a Code of Behaviour for leaders working with children and young people and a Code of Behaviour for children contained in the Policy. This is supplemented by an anti-bullying policy contained in an Appendix.



This standard has a criterion that states there are clear ways in which church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other church personnel or volunteers (whistle-blowing), confidentially, if necessary. The diocese has a great deal of information on the reporting of abuse both internally and externally but none of this could be described as a whistle-blowing policy as described in this standard. The audit return indicated that this issue is well covered in training events by reference to the Protection of Persons Reporting Child Abuse Act 1998.

This standard requires that there are processes for dealing with unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment. The policy does not address this issue.

This standard requires that there is guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views. This is not covered specifically in the Policy or resources.

The needs of children with disabilities are dealt with in the Policy and an Appendix. There is very good succinct guidance on this issue.

There is very good guidance on assessing risks when working with children, especially in activities that involve time spent away from home. There is also clear guidance on supervision ratios.

The standard requires that guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation. This is comprehensively addressed in an Appendix.

It is recommended that the diocese:

- Addresses more clearly the issue of dealing with unacceptable behaviour
- Develops a whistle-blowing policy
- Develops an equality policy

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The commitment of the diocese to training is set out in the Policy. All new staff and volunteers receive training or induction training as required and all sign a personal commitment to adhere to the Policy.

All staff and volunteers are provided with opportunities to learn about how to recognise and respond to concerns about child abuse through being given a copy of the Policy and attendance at training events. The Child Protection Officer meets with them on a regular basis to explain and answer any queries.

Staff and volunteers who have special responsibilities e.g. Trainers and Child Protection Officer receive regular training from the NBSCCC. This is then rolled out to all staff and volunteers through training seminars and visits to parishes. The Designated Persons receive regular training from the NBSCCC.

All the criteria in this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

##### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

Information about the diocese's commitment to safeguarding children and young people is openly displayed in every church in the diocese and on the diocesan website.

Children are made aware of their right to be safe from abuse and who to speak to if they have concerns. They are given a copy of the Code of Conduct for Staff and Leaders.

Everyone in the Church organisation knows who the Designated Person is and how to contact them. This is done through information placed on the notice board in each church and contact details are given in a wallet card. Church personnel are provided with contact details of local child protection services, such as the Health Service Executive, An Garda Síochána, telephone help lines and the Designated Person. There are also links with the civil authorities to develop good working relationships.

The diocese holds an annual conference for all Parish Representatives and volunteers. The Diocesan Child Protection Officer regularly visits parishes to seek views of all congregations.. All staff, volunteers, parents, young people and children are encouraged to give feed back to the diocese on Policies and Procedures. This is a reflection of the diocese's commitment to transparency and openness.

All the criteria in this standard have been met.

#### **Standard 6: Access to advice and support**

##### **Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

##### **Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection through regular seminars in held by the NBSCCC. There is also contact with the HSE locally and the Gardai through the DVSAU in Dublin. There is also

an arrangement for support to staff and volunteers through a local counsellor.

This standard requires that there is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers. While the Policy sets out how to respond to allegations there is nothing to indicate what support mechanisms are in place for a person making an allegation.

Finally this standard requires that appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children's safety. The Policy does not address this issue.

It is recommended that the diocese:

- Explains the support mechanisms available to those making complaints or allegations of abuse;
- Provides information to the public in its poster about the availability of counseling services; and
- Explains the support arrangements for personnel who have been accused of abuse.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

This standard requires that there is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed. While the diocese has a Policy Document dealing with many issues contained in the Standards issued by the NBSCCC it does not have a written plan as outlined above. The diocese has indicated that it is the responsibility of the Child Protection Officer to insure the implementation of the Policy Guidelines.

The diocese has committed Financial and Human Resources to secure implementation of the Safeguarding Policy. There is:

- A Child Protection Committee
- A Child Protection Officer
- Two Designated Persons (male and female) and
- Two Training Personnel

Monitoring of compliance with child protection policies and procedures is achieved through annual meetings and updated training for clergy and parish representatives that are arranged by the Child Safeguarding Committee. An annual audit designed by the NBSCCC, based on their seven standards takes place within each parish. There is also an on site visit of each parish in the diocese.

There are processes in place to ask parishioners (children and parents/carers) about their views on safeguarding. There are also mechanisms in place to evaluate the effectiveness of the safeguarding measures.

All incidents, allegations/suspicions of abuse are recorded and stored securely.

It is recommended that the diocese:

- Develops a written plan to deal with the implementation and monitoring of the standards.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>0</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>4</b>
<b>Reporting duration could be categorised/analysed</b>	<b>5</b>
Total	9
Allegations against deceased priests	8
Overall Total	17

Table 5.28: Summary of allegations data provided by diocese

### Quality of allegations information provided by the diocese

Four allegations could not be analysed with enough certainty in terms of time taken to report them to the civil authorities. Two, notified to the diocese prior to the publication of the Framework document, could not be categorised with certainty because of incomplete dates. In two other cases, relating to the Framework period, the dates provided by the diocese could not be confirmed by cross-referencing with HSE records.

Five allegations known at the time of submission of Audit Questionnaire Section 5 in January 2010 were not included in the diocesan response. For one of these, the diocese said it was made aware of the allegation by a third party in 2008 but was not notified by the complainant until 2010. The diocese stated that it was aware of two other allegations in 1991 and that a meeting was held with the then Western Health Board at the time, but it is not clear why they were not included in the diocesan returns of January 2010 and August 2009. The diocese stated that the other two cases were pre-1996 and that it was not notified of them but that An Garda Síochána was notified, in one instance, by the complainant.

### Analysis of the time taken by the diocese to report allegations

Audit Questionnaire Appendix A which was issued in 2006 and 2009 included the question:

*“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”*

Although the diocese’s response to this question was “Yes” it is clear that there were delays on the part of the diocese in reporting five allegations.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	-	-	-	0
4 to 7 days	-	-	-	-	0
1 week to 1 month	1	-	-	-	0
1 month to 1 year	-	-	-	-	0
1 to 5 years	-	-	1	-	1
5 to 10 years	-	-	-	-	0
10+ years	1	-	-	-	0
Not reported	2	-	-	-	0
Total	4	0	1	0	1

Table 5.29: Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

Two of the allegations that were notified to the diocese prior to Church guidance being in place were reported to the then Western Health Board and An Garda Síochána by the complainants. Another allegation from the same period was not reported for more than 10 years at the complainant’s request. The allegation from the Our Children Our Church period was known to the diocese before the complainant made a direct allegation but even after that it took the diocese over one month to report it, and not in compliance with the expectation of the guidance.

### Distribution of allegations by individual priest

Three priests in this diocese had allegations made against them.

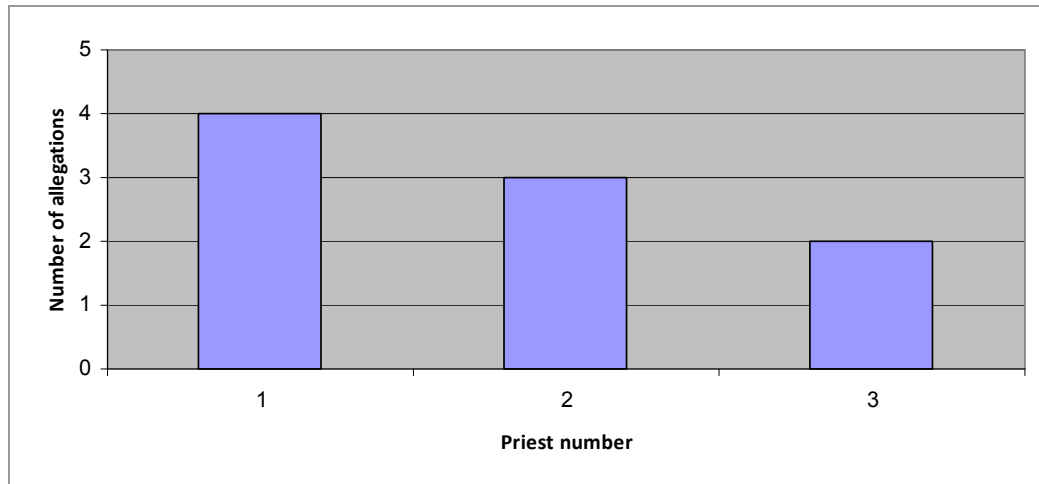


Chart 5.19: Distribution of allegations by priest

The ministry status of priests that have had allegations made against them is set out in the Table 5.30 below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	-	-
Out of Ministry	3	9
No longer in the clerical state	-	-
Other	-	-
TOTAL	3	9

Table 5.30: Number of allegations by priest ministry status

The diocesan audit returns state that one priest has been convicted of child sexual abuse.

### Deceased priests

Six deceased priests in this diocese have had eight allegations in total made against them.

### Conclusion

Data quality for this diocese was poor as full dates for the receipt of allegations by the diocese do not appear to be held on diocesan records. It is acknowledged that all but one of these allegations were made prior to the introduction of Church guidance.

## **14. KERRY**

The diocese of Kerry includes most of County Kerry and part of County Cork. There are 53 parishes and 110 churches in the diocese. The Catholic population is 127,850. Bishop William Murphy is the Bishop of Kerry.

### **POLICIES AND PROCEDURES**

#### **Standard 1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

This diocese has produced a Safeguarding Children Standards and Guidance Document. It was launched by the Bishop in March 2010 and is supported by a Leaflet–Safeguarding Children in the Diocese of Kerry, Safeguarding children Standards and Guidance. It was approved by the Diocesan Safeguarding Committee and approved by the National Board for Safeguarding Children in the Catholic Church (NBSCCC).

The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays and clearly describes the Church's understanding and definitions of abuse. The Bishop has fully endorsed the policies and procedures

The policy is currently being reviewed to take account of comments received from the HSE during the conduct of its audit of Church Policies and Procedures.

There are a number of omissions in the Policy that are required by the NBSCCC Standards. This standard requires the policy to state:

- all church personnel are required to comply with it
- how those individuals who pose a risk to children are managed; and
- all current child protection concerns must be reported to the civil authorities without delay.

These matters are not addressed in the Diocesan policy document.

It is recommended that the diocese:

- Include a statement in the policy committing all Church personnel to comply with the policies and procedures;
- Develop a policy on the management of individuals who pose a risk to children are managed;
- Adopt the policy of reporting without delay to the civil authorities

#### **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

This standard requires that there are clear written child protection procedures that provide step-by-step guidance on what action to take if there are allegations and suspicions of abuse about a child (historic or current). The diocesan document does not provide this but under the title “Dealing with Allegations” sets out the role of the Parish Representative in relation to allegations. It is not possible to assess from the information on the roles of the Designated Officer and Parish Representatives set out in the document if this is compliant with legislation and civil guidance for child protection. Within this description of these roles there is reference to the creation of child protection case files but no reference to their storage. However, this was referred to in supplementary material submitted in response to this audit. There are secure arrangements for storing information at Diocesan level.

This standard requires the diocese to have a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. Apart from the references to allegations and concerns there is no complaints policy.

The standard also requires the diocese to have guidance on confidentiality and information sharing which makes clear that the protection of the child is the most important consideration. While there is a ‘Confidentiality Statement’ in the Policy Document this does not deal with those complainants who request that their complaint is kept confidential.

The Document contains information on the contact details for appropriate Church personnel and the civil authorities.

It is recommended that the diocese:

- Reviews its section on reporting procedures and produces a more detailed explanation of what to do when allegations and concerns are identified.
- Prepares a clear statement on the storage of child protection case files
- Develops a complaints policy for children and adults
- Develops a more comprehensive confidentiality policy.

**Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The procedures for recruiting Church personnel and assessing their suitability to work with children in this diocese are briefly described in the Policy Document. The recruitment procedure, which appears to apply to all vacancies, paid or voluntary, is in line with best practice. Additional procedures in this regard for voluntary personnel are included in the “*Supervision of Activities*”



section. The diocesan audit returns state that the diocese also follows the guidelines outlined in Safeguarding in this regard. It would be preferable if the Kerry policy contained a single consolidated recruitment procedure, which covered all vacancies, paid and voluntary. It is not clear if existing personnel who have regular contact with children or are in positions of trust have completed the declaration form.

The Policy Document contains a code of Conduct for Adults working with Children and Young People that applies to all adults who work with children and young people on professional or voluntary basis in Church related activities. However, there is no reference to the consequences of breaching the code and the link to organisational disciplinary and grievance procedures. The rules and sanctions for a breach of this code are spelt out to parents and children at the time of recruitment and annually thereafter. There is also a Code of Conduct for children in their care

The Document also states that a Code of Conduct specific to children and young people must be drawn up in direct consultation with children and young people and offers a number of points to be used as a minimum standard. This also refers to an Anti-Bullying Policy. The distribution of the Children's Leaflet is under discussion by the Diocesan Safeguarding Committee.

There are statements in the document about the processes or dealing with unacceptable behaviour by children and there is clear guidance on the supervision of activities. However, there are a number of criteria associated with this Standard that are not covered by the diocesan Policy Document. These are:

- There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary
- Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views
- Policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch
- There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home
- Guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation.

It is recommended that the diocese:

- Should state clearly the consequences for breaching the code of conduct and the link to disciplinary and grievance procedures.
- Develops a whistle- blowing policy

- Develops an equality policy to address discriminatory issues
- Develops guidelines on personal/intimate care of children
- Provides guidance on the assessment of risk (the Guidelines for Trips Away From Home state that a risk assessment should be carried out in advance)
- Develop guidance on the use of all forms of Information Technology.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

This Standard is not addressed in the Policy Document apart from a reference in the “General Principles Guiding Best Practice for Ministry”.

The Audit returns indicate that a total of 130 Parish representatives have been trained for 53 Parishes and all clergy and sacristans have been trained by the Diocesan Trainers.

There is a programme of revision sessions in Pastoral Areas and this is the main method whereby Church personnel are provided with opportunities to update their skills and knowledge.

Two new trainers will be trained for the diocese in 2012, bringing the number of trainers in the diocese to four. It is proposed to include all personnel who work in regular contact with children and young people at the revision meetings delivered by the trainers in 2012. Previously Parish representatives did this. The NBSCCC is compiling a resource pack that the trainers will deliver at the revision meetings as well as discussing all aspects of the annual audit of parishes.

There is no indication that training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as Designated Person.

It is recommended that the diocese:

- Develops a Training Plan and make provision for the specialist training required by some personnel.

### **Standard 5: Communicating the Church's safeguarding message**

#### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The child protection policy is openly displayed and available to everyone through poster, leaflets the policy document and the Diocesan Website.

Children are aware of their right to be safe from abuse and who to speak to if they have concerns. This is achieved through discussions in groups and information sessions for parents and children.

Everyone in the Church organisation knows who the Designated Person is and how to contact them.

The contact details of the local child protection services, telephone help lines and An Garda Síochána. Are readily available and the diocese has established good links with the statutory child protection agencies to develop their working relationships in order to keep children safe.

The diocese is aware of the need to engage more with children and young people to evaluate the child protection arrangements. Leaflets for children will be introduced in parishes in the near future.

### **Standard 6: Access to advice and support**

#### **Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

#### **Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This Standard states that Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. The policy does not deal with this explicitly. The audit return indicated that this is available through training days, members of a support team in the diocese who have attended courses and the support materials from the NBSCCC. There are also links with the civil authorities, which may provide advice and guidance. The remaining criteria associated with this standard are set out in the revised policy. There are three other criteria in this standard that are not addressed in the policy. These are:

- There is guidance on how to respond to and support a child who is suspected to have been abused, whether that abuse is by someone within the Church or in the community, including family members or peers
- Information is provided to those who have experienced abuse on how to seek support
- Appropriate support should be provided to those who have perpetrated abuse to help them to face up to the reality of abuse, as well as to promote healing and reconciliation in a manner which does not compromise children's safety.

It is recommended that the diocese:

- Develop comprehensive guidance on how to respond to and support a child who has been abused.
- Provide a more detailed information pack for those who have experienced abuse
- Develop an appropriate support arrangement for those who have perpetrated abuse

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

This standard requires dioceses to have a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed. The diocese does not have a plan of this nature.

The diocese has committed resources to the implementation of the Policy through the establishment of a Diocesan Committee for Safeguarding Children, the appointment of a Diocesan Safeguarding Officer and providing the resources for training of Church Personnel.

Arrangements are in place to monitor compliance with child protection policies and procedures through forms that are in place within parishes and the audits of practice that take place annually.

There are processes in place to consult children and young people and parents as part of review of safeguarding policies and procedures.

It is recommended that the diocese:

- Draw up a written plan for the implementation of safeguarding. This would facilitate monitoring of progress in developments and evaluation of the arrangements.

## ALLEGATIONS

Allegations included in the diocesan returns that fall within the remit of this audit	
Notified to diocese by HSE	1
Notified to diocese by AGS	2
Could not be categorised/analysed	5
Reporting duration could be categorised/analysed	28
<b>Total</b>	<b>36</b>
<b>Allegations against deceased priests</b>	<b>10</b>
<b>Overall Total</b>	<b>46</b>

Table 5.14.1: Summary of allegations data provided by diocese

### Quality of allegations information provided by diocese

Five allegations could not be categorised with certainty. In four of these the date on which the diocese was first notified was not provided because it was stated that the allegation was made directly to An Garda Síochána by the complainant. In the fifth case Garda cross-referencing was inconclusive.

### Analysis of the time taken by the diocese to report allegations

No allegations were notified during the Safeguarding period. Three of 22 were reported within 1 to 3 days during the Framework and Our Children, Our Church periods.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Dec-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Dec-1996
1-3 days	-	2	1	-	3
4 to 7 days	-	-	1	-	1

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Dec-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Dec-1996
1 week to 1 month	-	4	-	-	4
1 month to 1 year	1	6	4		10
1 to 5 years	3	3			3
5 to 10 years	1	1			1
10+ years	1				0
Not reported	-	-	-	-	0
Total	6	16	6	0	22

Table 5.14.2: Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

25 allegations were not reported within 1 to 3 days and a sample of the reasons provided for these time frames are provided below. 20 cases (80%) took longer than one month and nine (36%) were longer than one year. The cases where it took more than one year to report occurred during the Framework period or before, and not within the expected timeframes as purveyed by that guidance document.

Three allegations notified to the diocese prior to 1996 were reported upon the introduction of the Framework document.

One allegation, notified to the diocese during the Framework period, took seven years to be reported because the diocese had advised the complainant to report directly to An Garda Síochána and was aware that he/she had done so. A further three allegations notified to the diocese during this period took between two to three years to report, because the notification to the diocese by the alleged victims' solicitors indicated that An Garda Síochána were aware of the allegations. Another allegation was discussed by the diocesan committee before being referred due to the complexity of the case.

One allegation during the Our Children, Our Church period was stated to relate to a vague concern, in another case it took time to meet with the complainant following notification, and a further allegation was notified to the diocese through a counselling service but the name of the complainant was not provided.

The diocese reported three allegations to An Garda Síochána soon after notification, but not to the HSE until a number of years later. The reason provided in one instance was *"Notification to one civil authority deemed sufficient."* Conversely, one allegation that was reported to the HSE was not reported by the diocese to An Garda Síochána. The diocese has submitted that this was on the advice of the HSE.

The diocese has also submitted: "The fact that some cases were reported to An Garda Síochána but not to the SHB/HSE arose from a common understanding or misunderstanding in the late '90s and early '00s that reporting to one agency was sufficient. This was especially so when the diocese received information from An Garda Síochána about allegations against priests or letters from complainants' solicitors accompanied by statements to An Garda Síochána. It was our understanding (or misunderstanding) that An Garda Síochána would have brought the information to the attention of SHB/HSE."

#### Distribution of allegations by individual priest

13 priests in this diocese had allegations made against them. As can be seen from the chart below, 25 of the 36 allegations (69%), were made against four priests. Eight of the 13 priests had one allegation made against each.

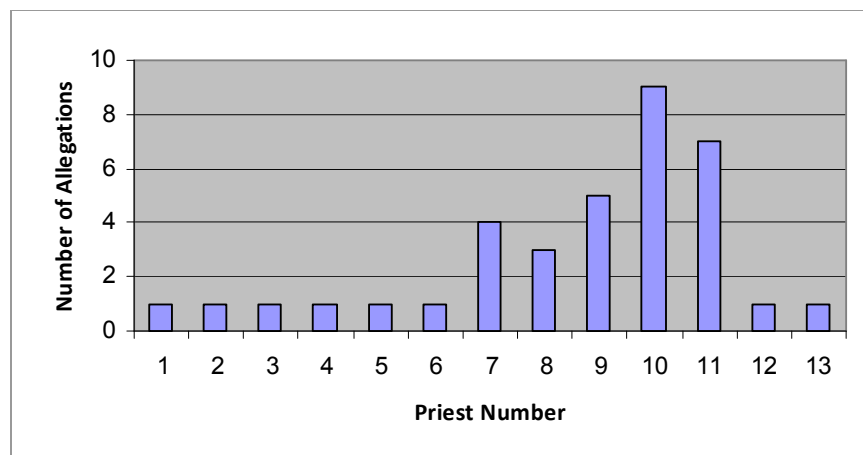


Chart 5.14.4: Distribution of allegations by priest

Following advice from the local HSE Child Care Office, formal risk assessments were deemed not to be necessary in relation to three priests in ministry against whom allegations had been made. The ministry status of priests with allegations against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	4	4
Out of Ministry	3	9
No longer in the clerical state	4	21
Other	2	2
<b>TOTAL</b>	<b>13</b>	<b>36</b>

Table 5.14.5: Number of allegations by priest ministry status

The diocesan audit returns state that one priest has been convicted of child sexual abuse.

**Deceased priests**

10 allegations have been made against seven deceased priests.

**Conclusion**

Data quality in this diocese was quite good. There were no allegations during the Safeguarding period but there have been significant non compliance with church guidance concerning reporting periods in the past, including after the introduction of Church guidance in 1996. In several of these cases this was because of the misunderstanding that notification to one or other civil authority was sufficient.



## 15. KILDARE & LEIGHLIN

The diocese of Kildare & Leighlin includes County Carlow and parts of Counties Kildare, Laois, Offaly, Kilkenny, Wicklow and Wexford. There are 56 parishes and 117 churches in the diocese. The Catholic population is 205,185. The diocese is currently under the administration of diocesan administrator, Monsignor Brendan Byrne.

### POLICIES AND PROCEDURES

#### Standard 1: A Written Policy on Keeping Children Safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The policy in operation in the diocese is *“Kildare & Leighlin Diocese Safeguarding Children Policy & Procedures”*, (*“the Kildare & Leighlin policy”*) which is dated August 2009. It is structured according to the seven standards set out in the NBSCCC Standards and Guidance document.

The Kildare & Leighlin policy is well presented in a ring binder with removable pages to allow sections to be updated as necessary. It is very well structured with a detailed contents page at the beginning and tabs at the back of the folder which contain *“Forms”* and *“Resources”*. The language used throughout is clear and understandable. The policy is signed and approved by the bishop and the safeguarding children statement contained in section 1.1 states that *“All Church personnel in this diocese are required to comply with...”* the Kildare & Leighlin policy. Furthermore, each parish is provided with a template *“Parish Safeguarding Children Statement”* which the parish priest is required to sign and display confirming that the parish will adhere to the Kildare & Leighlin policy. There is also a requirement that groups using parish facilities must have their own child protection policy or endorse in full and in writing the Kildare & Leighlin policy. Codes of behaviour for staff and volunteers are provided in relation to a number of areas and guidance is provided in relation to trips away from home. There is emphasis on reporting all current child protection concerns to the civil authorities without delay.

One of the few criteria in this standard is that the policy states how those individuals who pose a risk to children are managed.. This is not addressed in the policy and while the Diocese acknowledges this omission it points out that the NBSCCC Standards document does not provide specific guidance to cover this criteria. Furthermore, while the diocesan policy requires some procedures to be developed at parish level, such as a complaints procedure, there is no apparent requirement for such parish procedures to be approved at diocesan level prior to distribution.

It is recommended that the diocese:

- Develops an approach to the management of those who pose a risk to children in conjunction with the NBSCCC
- Ensures that any procedures developed locally to support the Diocesan policy are approved by the diocese.

## **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

Detailed step-by-step guidance is provided in the Kildare & Leighlin policy in sections 2.4 and 2.5 in relation to responding to child protection concerns. The procedures set out the action to be taken by a member of parish staff or as a parish volunteer if any concern, allegation, suspicion or disclosure is made about another person. These include concerns that indicates a member of church staff or a volunteer has behaved in a way that has harmed a child, or may have harmed a child; committed a criminal offence against a child or related to a child; or behaved towards a child or children in a way that indicates he/she is unsuitable to work with children. Child Protection recording and reporting forms and a reporting flow chart are also provided. Section 2.11 sets out a complaints procedure, however the circumstances for use of this procedure are unclear, as it could overlap with the procedures mentioned above. These are minor shortcomings in the context of the provision of diocesan policies and procedures and the Kildare & Leighlin policy largely satisfies this important standard of Safeguarding.

It is recommended that the diocese:

- Clarifies the use of the complaints procedure.

## **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The Kildare & Leighlin policy includes forms and procedures for recruitment and vetting in sections 3.4 and 3.5. There is no mention of a requirement for photo identification however, which means that this recruitment procedure falls short of best practice.

Safeguarding requires codes of behaviour to be put in place and some of these are provided in the Kildare and Leighlin policy, but some are not. For example, a code of behaviour for staff and volunteers is provided but a code of behaviour for children and young people is not and instead is to be drawn up in consultation with children and parents/guardians. The *“Code of Behaviour for Staff and Volunteers”* provides that corporal punishment should never be used and *“discipline problems should be handled in partnership with parents and guardians.”* However, the latter falls short of

satisfying standard 3.8 of Safeguarding which requires the provision of guidance in relation to a number of categories of discriminatory behaviour and language. Guidance is not provided on the personal/intimate care of children with disabilities.

The area of operating safe activities for children is almost fully addressed in the Kildare & Leighlin policy. However, while guidance on the use of photography and film is included, an important omission is that the policy is silent on the usage of the internet, email and emerging technologies.

The diocese has pointed out that the NBSCCC Standards document does not provide specific guidance on the personal/intimate care of children with disabilities and the standards document does not provide specific guidance on the usage of the internet, email and emerging technologies.

It is recommended that the diocese:

- Includes photos identification as a part of its recruitment procedures
- Develops an equality policy to deal with discriminatory behaviour
- Develops guidance on the personal/intimate care of children with disabilities.
- Develops more comprehensive guidelines for the appropriate use of information technology.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

All parish Designated Persons, priests and full time personnel undergo child protection training that is compliant with Keeping Safe and receive training in respect of the Kildare & Leighlin policy as well as any specific parish requirements. The diocese has indicated that it intends to avail of the NBSCCC specific modules geared towards specific ministries and responsibilities when they become available.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The diocesan audit returns state that every parish is required to display a copy of its parish safeguarding children statement together with the diocesan safeguarding children poster in all church porches, parish halls and any other parish location. Section 5.1 of the diocesan policy includes a section entitled *"Giving children the confidence to speak out"* which addresses the criterion on making children aware of their right to be safe from abuse. The contact name and details for the Designated Person are communicated in the diocese by way of the diocesan safeguarding children poster, the diocesan website and the Kildare & Leighlin policy. The policy also contains contact details for local child protection services.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Access to specialist advice and support is sufficiently provided for in the Kildare & Leighlin policy in section 2.5, 2.6 and 6.1. Contact details for local and national level child protection and welfare agencies are also provided in the policy and on the diocesan website. In line with Safeguarding, guidance is provided on how to support and respond to a child who is suspected to have been abused. The diocesan audit returns state that a support person is provided to those who make an allegation or disclose abuse to assist with communication with the delegate and to facilitate access to information. An adviser is made available to those about whom a child protection concern has been raised. The audit returns state that accessing treatment services is strongly encouraged, funded and *“facilitated in every way possible”* for those who are deemed a risk to children.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

A specific plan for keeping children safe was not included in the diocesan audit returns, however the Kildare & Leighlin policy addresses this in part, for example it provides details of those who have responsibility for the implementation of different areas. The policy also provides for monitoring compliance with child protection policies and procedures in section 7.1 wherein it states that it is the responsibility of the Safeguarding Committee and of the Diocesan Safeguarding Co-ordinator. Processes for asking parishioners about their views on keeping children safe are not outlined in the Kildare & Leighlin policy, even though it states that *“The view of those involved inside and outside the church organisation can help improve the effectiveness of any measures taken”*. Forms are provided for recording incidents and allegations and access to such files is restricted to certain persons.

It is recommended that the diocese:

- Develops a written plan for the Safeguarding of Children within the diocese.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>1</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>2</b>
<b>Reporting duration could be categorised/analysed</b>	<b>6</b>
Total	9
Allegations against deceased priests	6
Overall Total	15

Table 5..15.1: Summary of allegations data provided by diocese

### Quality of allegations information returned by diocese

One allegation that was reported to the diocese over twenty years ago could not be categorised with certainty because the dates provided in the allegations information were not specific enough. The diocese did not report a further allegation, notified to the diocese during the Framework period, because a school principal notified it to the HSE. While the diocese was made aware that this notification had taken place, it was not given the name.

### Analysis of the time taken by the diocese to report allegations

<b>Time taken by diocese to report the allegation to HSE or Gardaí</b>	<b>Reporting Period</b>				
	<b>Pre-1996</b>	<b>Framework 1-Jan-1996 to 7-Dec-2005</b>	<b>Our Children, Our Church 8-Dec-2005 to 23-Feb-2009</b>	<b>Safeguarding 24-Feb-2009 to 31-Jul-2010</b>	<b>Total Allegations Post 1-Jan-1996</b>
<b>1-3 days</b>	-	-	-	-	-
<b>4 to 7 days</b>	-	2	-	-	2
<b>1 week to 1 month</b>	-	2	1	-	3
<b>1 month to 1 year</b>	-	-	-	-	-
<b>1 to 5 years</b>	-	-	1	-	1
<b>5 to 10 years</b>	-	-	-	-	-
<b>10+ years</b>	-	-	-	-	-
<b>Not reported</b>	-	-	-	-	-
<b>Total</b>	0	4	2	0	6

Table 5.15.2: Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

Of the six allegations for which were not reported within the timeframes as set out in the relevant church guidance document, five were reported within five to 13 days and the reason provided for this was "N/A". This indicates that the diocese considered these time periods not to constitute an undue or unreasonable timeframe for reporting. The reason provided for the time taken to report the other allegation notified to the diocese during the Our Children, Our Church period was that the diocese unsuccessfully tried to ascertain the identity of the alleged-against priest before reporting.

### Distribution of allegations by individual priest

Two priests in this diocese had a total of eight allegations made against them. Seven of these were made against one priest. A further allegation, made against an unknown "priest" at a location in this diocese, is included in the K&L figures but it is not certain that it refers to a K&L priest (alive or deceased) or indeed or if the alleged offender was a priest.

The ministry status of priests that have had allegations made against them is set out in the table below. . The identity of the priest whose ministry status is described as "Other" is unknown – see above. No priests currently ministering in this diocese have had allegations made against them

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	-	-
Out of Ministry	2	8
No longer in the clerical state	-	-
Other	1	1
TOTAL	3	9

Table 5.15.3: Number of allegations by priest ministry status

The diocesan returns state that one priest in this diocese has been convicted of child sexual abuse.

### Deceased priests

Six allegations were made against five deceased priests.

### Conclusion

Data quality in this diocese was good. The allegation figures for this diocese can be accounted for mainly by one priest who is out of ministry and against whom seven of the nine allegations in the diocese were made. One allegation made against an unknown "priest" at a location in this diocese has been included in the diocese figures.

## 16. KILLALA

The diocese of Killala includes portions of the Counties Mayo and Sligo. There are 22 parishes and 48 churches in the diocese. The catholic population is 40,137. The Bishop of Killala is Bishop John Fleming.

### POLICIES AND PROCEDURES

#### Standard 1: A Written Policy on Keeping Children Safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The Killala child safeguarding policy is entitled “Safeguarding Children and Young People in the Diocese of Killala”, April 2011 (Revised Guidelines). The guidelines have been updated in the light of experience, as well as the publication of *Safeguarding Children, Standards and Guidance Document for the Catholic Church in Ireland*. They are also based on *Children First, the National Guidelines for the Protection and Welfare of Children* and incorporate the principles enshrined in *Our Duty to Care*.

The National Office for Safeguarding Children in the Catholic Church has approved the policy.

In the Foreword Bishop Fleming acknowledges input from the Council of Priests, Diocesan Safeguarding Committee, and The National Board for Safeguarding Children, the HSE and others.

A booklet detailing the guidelines for “Safeguarding Children and Young People in the Diocese of Killala” complements the Killala policy statement, which is on a single page. The guideline booklet is well structured and has a contents page at the beginning of the document. The document is concise and the text is interspersed with photographs of children and young people in different contexts. It is a very professional production in an attractive format.

The language used throughout is clear and understandable and the policy has been approved by the Bishop who launched it throughout the diocese and there is a commitment to review the policy after two years. While there is no specific statement in the guideline document that all priests, staff and volunteers are required to comply with the policy it is clear from other documents that this requirement is met.

Definitions of different types of abuse are stated very concisely. The guidelines include the procedure for dealing with a priest, staff member or volunteer against whom an allegation of abuse is made. The diocese also has a “Child Protection Policy for Altar Servers” which includes all aspects of health and safety. A Safeguarding Newsletter has been published and distributed throughout the diocese to provide an update on developments relating to safeguarding.

All the criteria in relation to this standard have been met.

**Standard 2: Procedures –how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities.**

There are clear written procedures that provide step by step guidance on what action to take if any allegations or suspicions are reported to any priest, employee or volunteer. The procedures are consistent with current legislation and have been approved by the HSE. Each church organisation is required to have a named designation person who must attend the HSE Keeping Safe Programme. The diocese has three named Designated Persons whose contact details are published in the diocesan guidelines. The role and responsibilities of the Designated Person(s) are clearly outlined. The Designated Person acts as the liaison person with the HSE and is required to consult informally with the HSE social worker if they are not sure if a formal report should be made. All concerns are recorded on a standard form which is stored securely. Details of contact numbers for local social work departments and Gardai are published on church notice boards and diocesan newsletters. The names of the Diocesan Committee for Safeguarding Children are published in the guideline document.

There is a complaints procedure in place for dealing with breaches of discipline, disruptive behaviour and bullying. Young people and parents may also use the complaints procedure if they are concerned about any aspect of how activities are conducted. There is guidance on record keeping and issues of confidentiality which make it clear that the protection of children is the most important consideration.

All the criteria in relation to this standard have been met.

**Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

Anyone applying for a paid or volunteer position is required to complete an application form and declare any previous convictions. The Garda vetting procedures as outlined in the Western Bishop's Policy and Procedures for Gardai vetting are in place. Each parish has its own child safeguarding representative who is named on a poster on the notice board of the local church. Every parish has a child protection policy which is consistent with the diocesan policy. The parish policy document includes the following: name of local Designated Persons; child protection policy for altar servers; code of behaviour for children and young people taking part in church activities; code of conduct for church personnel; and advice on creating safe environments. Parental permission is required before children act as altar servers or participate in church activities. All persons entering the sacristies



must sign the sacristy register. There are processes in place for dealing with unacceptable behaviour of children and young people.

There are clear guidelines on appropriate and inappropriate touch as well as advice on intimate care of children with disabilities. The diocesan health and safety policy is comprehensive and includes a recommendation that regular reviews of facilities, procedures and practices are carried out for all activities. Advice on appropriate ratios of adults to children for all activities and advice on trips away from home are included in the guideline document. Guidelines have been developed regarding the use of information technology during activities.

A whistle blowing policy has been developed and has been approved by the Diocesan Safeguarding Committee. The Designated Person is responsible for reporting all concerns to the civil authorities without delay and information is displayed giving contact points for anyone who wishes to report directly to the civil authorities.

All the criteria in relation to this standard have been met.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The diocese has appointed two trainers who have provided training supervised by a senior social worker in the HSE. Over 130 people have recently undertaken The Keeping Safe Programme. The priests of the diocese have received training in child protection from the HSE. Training is up to date and includes guidance on best practice as outlined in Our Duty Care published by Department of Health and Children. The minutes of the Diocesan Safeguarding Committee indicate that the Bishop and committee are committed to providing training to everyone who is involved in working with children. The Designated Persons have received additional training from the HSE and National Board for Safeguarding Children in the Catholic Church.

The Bishop has visited all parishes to ensure that every person who needs to be trained in child protection either has been trained or is listed for training. Further training programme are planned for 2012.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The diocese has developed a Communications Policy which promises transparency and openness in all church related activities, especially in the areas of child safeguarding and financial accountability. A well designed poster giving information on the diocese's child safeguarding policy and procedures has been made available for display in churches and other parish property. The name of the parish safeguarding representative is clearly visible and contact details of the Diocesan Designated Persons are also included. A newsletter giving updated information on developments in the implementation

of the child safeguarding policy, training events, contact numbers of social workers, confidential helpline and Designated Persons has been published for distribution throughout the diocese. It is very user friendly. Children and young people are involved in the distribution of the newsletter. The web site is also used for disseminating similar information. The Designated Persons have a good working relationship with HSE child safeguarding staff.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

All schools have appointed a Designated Person and young people have been made aware of the child safeguarding information provided by the diocese. Regular contact is maintained with the National Office for Safeguarding Children and HSE to seek advice and support. The diocese has a signed agreement with the HSE and Gardai for an Inter-Agency Review Body which meets on an agreed basis. The Designated Persons meet regularly to review cases and support each other and are in constant contact with those who may become aware of incidents, concerns or allegations of abuse.

There is guidance on how to respond and support a child who is suspected of being abused or who reports abuse. Information is readily available regarding reporting allegations to the Designated Persons and civil authorities. Pastoral care persons are appointed by the Bishop to care for both the complainant and those who are accused of abuse.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

The Bishop has visited all parishes to ensure that the diocesan safeguarding policy and procedures have been implemented. Prior to the visit all parishes were required to complete a self audit. Resources, both human and financial, have been made available to ensure that the safeguarding policy was developed and implemented. The policies are reviewed by the Diocesan Safeguarding Committee every two years and it is planned to have input from young people in the next review. Parish safeguarding representatives have the opportunity to give feedback on the guidelines during training sessions.

Records of all allegations of abuse or concerns are stored securely.

All the criteria in relation to this standard have been met.

**ALLEGATIONS**

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>1</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>0</b>
<b>Reporting duration could be categorised/analysed</b>	<b>3</b>
Total	4
Allegations against deceased priests	1
Overall Total	5

Table 5.16.1: Summary of allegations data provided by diocese

**Quality of allegations information returned by diocese**

All allegations data returned by the diocese was of sufficient quality.

**Analysis of the time taken by the diocese to report allegations**

Two of three allegations notified to the diocese during the Safeguarding period were reported with immediacy to the civil authorities. The other was reported just under a month later. The diocese has submitted that this was because of difficulties in arranging a meeting with the HSE to discuss whether it was a credible allegation.

<b>Time taken by diocese to report the allegation to HSE or Gardaí</b>	<b>Reporting Period</b>				
	<b>Pre-1996</b>	<b>Framework 1-Jan-1996 to 7-Dec-2005</b>	<b>Our Children, Our Church 8-Dec-2005 to 23-Feb-2009</b>	<b>Safeguarding 24-Feb-2009 to 31-Jul-2010</b>	<b>Total Allegations Post 1-Jan-1996</b>
<b>1-3 days</b>	-	-	-	<b>2</b>	<b>2</b>
<b>4 to 7 days</b>	-	-	-	-	<b>0</b>
<b>1 week to 1 month</b>	-	-	-	<b>1</b>	<b>1</b>
<b>1 month to 1 year</b>	-	-	-	-	<b>0</b>
<b>1 to 5 years</b>	-	-	-	-	<b>0</b>
<b>5 to 10 years</b>	-	-	-	-	<b>0</b>
<b>10+ years</b>	-	-	-	-	<b>0</b>
<b>Not reported</b>	-	-	-	-	<b>0</b>
<b>Total</b>	0	0	0	3	3

Table 5.16.2: Time taken by diocese to report allegations by Church guidance period

### Distribution of allegations by individual priest

Three priests in this diocese had allegations made against them. Two are in ministry and have not been formally risk assessed. The third is no longer on loan to or resident in the diocese.

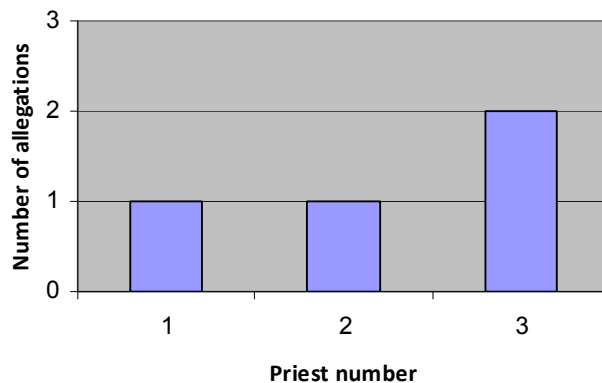


Chart 5.16.4: Distribution of allegations by priest

Two priests in this diocese have had allegations made against them. Neither of them is in ministry and neither has been formally risk assessed. A third priest, a member of a Religious Congregation, who visited the diocese but was never incarnated in or worked in the diocese, had allegations made against him. He is also not in ministry. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	-	-
Out of Ministry	2	2
No longer in the clerical state	-	-
Other	1	2
TOTAL	3	4

Table 5.40: Number of allegations by priest ministry status

No priests in this diocese have been convicted of child sexual abuse according to the diocesan audit returns.

### Deceased priests

One allegation was made against a deceased priest.

### Conclusion

This is one of the smallest dioceses subject to this audit. All allegations included in the audit returns were notified to the diocese during the Safeguarding period.

## 17. KILLALOE

The diocese of Killaloe includes portions of Counties Clare, Laois, Limerick, Offaly and Tipperary. There are 58 parishes and 133 churches in the diocese. The Catholic population is 122,746. The Bishop of Killaloe is Bishop Kieran O'Reilly, SMA.

### POLICIES AND PROCEDURES

The diocesan policy is entitled "*Killaloe Diocesan Safeguarding Children Sábháilteacht na nÓg Policy and Procedures*" ("*the Killaloe Policy*") and contains a Foreword from the former Bishop of the diocese dated 31<sup>st</sup> May 2010.

#### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The criteria for Safeguarding in this standard are largely satisfied by this diocese. The Killaloe Policy is comprehensive and well structured with detailed contents page at the start of the document. The language used throughout is clear and understandable. A shorter version has been prepared and it was planned to distribute this in February 2012. Although there is no reference to all personnel and volunteers having to sign an agreement that they will comply with the policies and procedures, all have to sign an agreement that they will abide by the diocese's code of behaviour that is derived from the policies and procedures. There is also a statement in Section 2 where it states "*The procedures in this section set out the action that must be taken by a member of the parish staff or parish volunteer if any concern, allegation, suspicion or disclosure is made*". The Killaloe policy addresses the issue of how individuals who pose a risk to children are managed.

It is recommended that the diocese:

- Requires all staff and volunteers who have contact with children and young people to sign a form stating that they have read the safeguarding policy and agree to abide by it.

#### **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

The diocese largely satisfies this standard. Clear child protection procedures, which are consistent with all relevant guidance and legislation, are provided in the policy. The diocese has established and defined the roles of the Diocesan Safeguarding Committee, Advisory Panel and Parish Safeguarding Representatives. The diocese has appointed two designated persons, one male and

female, priest and lay person respectively. In addition to defining the role of the designated person, the roles of other key diocesan personnel, such as Support Person and Advisor are also defined.

The complaints procedure could be enhanced by providing a time frame for the resolution of complaints as required in the criterion 2.5 of Safeguarding. Reference should also be made to the *“standard form for reporting child protection and/or welfare concerns”* in the section where the role of the designated person is defined.

It is recommended that the diocese:

- Adds a time frame for resolving complaints to the Complaints Policy.
- Inserts a reference to the standard form should as referred to above.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

Policies and procedures are provided by the Killaloe policy for the recruitment of church personnel. While candidates are required to undergo Garda vetting, provide references and complete a declaration form, there is no mention of a requirement for photographic identification. However candidates must provide two written references which are checked verbally with the referees before any appointments are made. Codes of behaviour for staff and volunteers are set out and parishes and other organisations are required to draw up codes of behaviour for children and young people participating in parish related activities in consultation with children and parents and children. The policy recommends that a copy should be given to all young people participating in activities and to their parents and guardians. It states that it should be read, understood and signed by every child or young person and their parents or guardians.

Consideration should be given to providing guidance on dealing with bullying, discriminatory and unacceptable behaviour and disciplinary procedures.

The area of operating safe activities is addressed by the Killaloe policy but the section on Information Technology should be expanded to include email and internet use.

A ‘whistle blowing’ policy is included in the Killaloe policy.

It is recommended that the diocese

- Requires that all applicants for voluntary or paid positions in the diocese should provide photographic identification.
- Draws up a sample policy on bullying and unacceptable behaviour of children towards each other and adults to assist parishes groups to develop their own policies.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The diocese has provided a very comprehensive training programme for all personnel engaged in activities relating to children and young people. There are two accredited trainers on the diocesan staff. A wide range of training resources have been developed to assist in delivering the training strategy. All priests and parish safeguarding representatives have been trained and updated training is provided at certain times each year as information changes from the NBSCCC. The diocesan Designated Persons and members of the Safeguarding Committee and all other relevant committees are updated on a continuous basis in line with ongoing developments nationally.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

This standard was assessed as being fully satisfied by the diocese. The Killaloe policy states that *"All parishes are required to issue and display a Parish Safeguarding Children statement that confirms the parish will adhere to the Diocesan Policy and Procedures as set out in the latest Killaloe Safeguarding Children Policy and Procedures"*. The diocesan Safeguarding Committee have produced posters and leaflets for display in churches and other parish property. These are designed to increase awareness of the right of children to be safe from abuse and who to speak to if they have concerns. All relevant contact details for local child protection services and helplines are clearly displayed. The diocese's approach to communications is also set out in this section.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This standard was assessed to be satisfied by the diocese. The diocesan audit returns state that the NBSCC and HSE are available to provide specialist advice to the diocese and the Advisory Panel advises and assists the bishop at all stages of the investigative process into alleged abuse. Guidance is provided in the Killaloe policy on how to respond to and support a child who is suspected to have been abused. In relation to those who have suffered abuse and those alleged to have suffered abuse the diocese states that it offers to make counselling and expert advice available and provides a

support person. An adviser is provided to a person against whom child sexual abuse is alleged. The diocese stated that an accused priest is required to undergo a risk assessment and the diocese has used treatment services for personnel that have perpetrated abuse or are a risk to children in the USA, Ireland and England.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

The Killaloe policy sets out how the diocese will implement its child protection measures and who is responsible for same. There is a structure in place to implement the policies and resources have been made available to develop and publish the policy as well as providing training programmes. The parish safeguarding representatives and the Safeguarding Committee are responsible for monitoring compliance with child protection policies and procedures. The Safeguarding Committee have planned to undertake a parish audit in March 2012.

Involvement of parishioners in developing local codes of behaviour and giving feedback during training sessions also gives opportunities to express their views about the policies and procedures.

It is recommended that the diocese

- Puts processes in place to give the opportunity young people to express their views.

#### **ALLEGATIONS**

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>0</b>
<b>Notified to diocese by AGS</b>	<b>1</b>
<b>Could not be categorised/analysed</b>	<b>0</b>
<b>Reporting duration could be categorised/analysed</b>	<b>8</b>
Total	9
Allegations against deceased priests	40
Overall Total	49

Table 5.17.1: Summary of allegations data provided by diocese

#### **Quality of allegations information returned by diocese**

All allegations information provided by the diocese could be categorised.

#### **Analysis of the time taken by the diocese to report allegations**

Three allegations were reported within 1 to 3 days. The remainder did not strictly comply with the time frames as identified by the relevant guidance of the time.



Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	1	1	1	3
4 to 7 days	-	1	-	-	1
1 week to 1 month	-	-	-	-	0
1 month to 1 year	-	1	3	-	4
1 to 5 years	-	-	-	-	0
5 to 10 years	-	-	-	-	0
10+ years	-	-	-	-	0
Not reported	-	-	-	-	0
Total	0	3	4	1	8

Table 5.17.2: Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

In the case of one allegation which was reported within seven days, no clear reason for this time frame was provided. Of the remaining four allegations for which were reported after 3 days, the returns state that there was no direct complaint made and the identity of the complainant only became known at a later stage.

Three allegations were reported to the HSE seven months after receipt by the diocese but not notified to An Garda Síochána for over three years after that because the name of the complainant was stated as unknown.

### Distribution of allegations by individual priest

Nine allegations were made in this diocese against three priests. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	-	-
Out of Ministry	3	9
No longer in the clerical state	-	-
Other	-	-

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TOTAL	3	9
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Table 5.17.4: Number of allegations by priest ministry status

According to the diocesan audit returns, no priest in this diocese has been convicted of child sexual abuse.

### **Deceased priests**

Significantly, 40 allegations were made against 13 deceased priests. 18 were made against one priest, five against another, four against another, two against another and one against each of six priests.

### **Conclusion**

The reporting of 5 out of the 8 cases in the period January 1996 to February 2009 did not comply with the expectations of the standards applicable during this period. The rationale for same centred on receipt of partial information regarding the allegation rendering the diocese in their view unable to make a report. This is a good example of where clarification is required going forward regarding the matter of definition of what amounts to reportable information.

## 18. KILMORE

As well as having parishes in County Fermanagh in Northern Ireland, the diocese includes almost all of County Cavan and portions of County Leitrim, Meath and Sligo. There are 36 parishes and 95 churches in the diocese, including parishes in Northern Ireland. The catholic population is 62, 438. The audit refers only to the portion in of the diocese that is in the Republic of Ireland. The Bishop of Kilmore is Bishop Leo O'Reilly.

### POLICIES AND PROCEDURES

#### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

This Diocese states that "Safeguarding Children: Standards and Guidance Document" of the NBSCCC is the diocesan policy and has been formally adopted for use in the Diocese by Bishop O'Reilly in April 2009.

The Diocese has a Diocesan Safeguarding Children Handbook produced in 2009 which is a summary of the "Safeguarding Children: Standards and Guidance Document" of the NBSCCC and has been produced in a format for children and parents. The foreword to the handbook states that the booklet brings together the different elements of policies and the guiding principles underlying them and that it is not meant to be a 'stand alone' document but should be read in conjunction with the NBSCC Standards Document. The Diocese is fully committed to following the guidance and standards of the NBSCC document and has indicated that it was awaiting delivery from the NBSCCC in relation to child friendly materials. This was due at the end of January 2012 and the diocese will then update its existing policy if appropriate.

All clergy, diocesan safeguarding director, diocesan trainers, parish representatives, chairs of parish councils, parish recruitment committees, permanent deacons, pastoral assistants, diocesan support persons, and diocesan advisers have received the NBSCCC Standards documents and the Diocesan Safeguarding Children Policy Handbook. All these personnel have received training. All material is on the Diocesan website.

The policy is mandatory for all staff, priests and volunteers. Priests are required to sign an agreement to abide by the diocesan safeguarding children policy

Since 2009 the diocesan safeguarding committee has been revising, updating its policies and procedures as appropriate in the light of the NBSCCC Standards document. Changes have been made as new policies and procedures have been issued by the NBSCCC. This is due to be completed by April 2012 to coincide with the publication of the revised "Diocesan Safeguarding Children Policy Handbook."

The procedures outlined in 'Our Children, Our Church' for the management of those who may pose a risk to children were being followed by the diocese. At the time of the audit the diocese was awaiting the guidance from the NBSCC on the management of those who may pose a risk to children

All the criteria in relation to this standard have been met.

**Standard 2: Procedures – how to respond to child protection allegations and suspicions**  
**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

The Diocese has a Reporting Procedure which clearly sets out action to be taken if there is any suspicion or disclosure of abuse. A flow chart and other material from the NBSCC Standards document to indicate how it would deal with allegations and concerns supplement this. There are two designated persons in the Diocese and their role is as described in the NBSCC standards document. It is also covered in detail in the training and every participant receives a copy of the description of the role. The process for recording incidents, concerns and referrals is based on Resource 16 in the NBSCC Standards document.

The Diocese has a complaints procedure dated March 2011 and there is a General Complaints Form. There is a Confidentiality Statement in the Diocesan Policy Handbook. This indicates that information will only be shared on a 'need to know' basis in order to safeguard children. The policy handbook includes contact details for the civil authorities and counseling services.

Details of local HSE and Garda personnel are contained in the policy handbook as well as support agencies.

The diocesan Safeguarding Committee has responsibility for implementing, directing and managing all aspects of policies and procedures. The diocese is committed to implementing any new policies and procedures as they become available from the National Board.

Training in good recording keeping has been provided to 248 people during 2007-2009. The diocesan pack also includes information on this issue. All processes and procedures comply with legislation.

All the criteria in relation to this standard have been met.

**Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The Diocese has rigorous policies and procedures for recruiting staff and volunteers who have contact with children and for assessing their suitability to work with children. All posts are advertised giving details of job description and qualifications where necessary. All staff and volunteers must complete an application form, declaration form, supply ID and names of two referees. A subgroup of

the parish pastoral council (recruitment committee) oversees recruitment and selection of staff and volunteers in each parish. It consists of at least three people and may be supplemented by another person to achieve gender balance.

All those with significant contact with children are subject to safeguarding checks and Garda vetting and these are properly recorded. The recruitment and selection arrangements are in line with best practice.

There is a code of conduct in the Policy Handbook aimed at young people and adults working on behalf of the church. There is also an Anti-Bullying Policy in the handbook and different types of bullying, including E-Bullying are described. Regular meetings are held between leaders and groups to address any issues of concern and to highlight the ethos of open communication. If a complaint is received the leader will try to resolve the issue promptly and fairly. If the issue impacts on child safety the leader must refer the issue to the Designated Officer without delay.

In the Code of Conduct there is a statement saying that unacceptable behaviour of young people of adults, including bad language and offensive comments, will not be tolerated but does not say how adults who exhibit unacceptable behaviour are dealt with.. Managing difficult behaviour is dealt with in training.

This standard also states that there should be guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch. This is not covered in the Policy.

The Policy sets out clearly the requirements that must be met for “Trips away from home”.

Inappropriate use of videos, DVDs, cameras, landline phones, mobile phones are not allowed by adults working on behalf of the church and young people while participating in activities. All mobile phones must be kept on silent or turned off during church activities. There is a statement relating to computer use and parents must sign a statement giving their consent to the use of computer facilities under the supervision of leaders during any parish activity.

It is recommended that the Diocese:

- Addresses more clearly the issue of dealing with unacceptable behaviour
- Develops a whistle- blowing policy
- Develops an equality policy
- Develops guidelines on the personal/intimate care of children with disabilities

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The Diocesan Policy Handbook states that the Diocese is committed to training for all adults working on behalf of the church regarding policy, codes of behaviour and procedures. During 2007-2009 almost 1000 leaders in parishes received training and raising awareness of safeguarding practices. Information sessions on safeguarding have been held for young people and their parents regarding activities, policy, code of behaviour and procedures have also been held.

During the period September 2010–November 2011, 29 newly appointed personnel attended 7 hours of training and 149 existing personnel attended 3 hours of training.

During 2012 there are plans for 24 existing personnel to receive 3 hours of training; nine retired priests are to attend an information session and the two diocesan trainers are to be monitored in a 6-hour training session.

The Diocese has a Safeguarding Children Training Plan 2010 – 2013. This sets out very clearly the Target Group; the content of the session; the learning outcome; the length of the training and who will deliver the training.

Staff and volunteers who have special responsibilities in relation to safeguarding children have attended training provided by the NBSCCC.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The safeguarding message is displayed in the porch of every church in the diocese, individual copies are available in every parochial house and it is on the Diocesan website. It is proposed that in April 2012 there will be a diocesan safeguarding conference that will be held annually thereafter.

Children and young people will be made aware of their right to be safe through information sessions for all young people and their parents regarding activities, policy, code of behaviour and procedures. This approach is to be reviewed in early 2012. During information sessions children are told that they should raise any concerns or speak about any aspect of their experience to an identified group leader.

Everyone in the Church organisation knows who the designated person is and how to contact them. This information is displayed in posters, the policy handbook and the website.

Church personnel are provided with contact details of local child protection services, such as the

Health Service Executive, An Garda Síochána, telephone help lines and the designated person. Links with statutory child protection agencies have been established.

At training sessions church personnel are consulted on the policy and procedures and asked for their views and suggestions.

Two of the diocesan trainers have have trained with the VDA in disability which includes the care of children with disabilities. The diocese is awaiting the guidelines form the NBSCC on the intimate care of children with disabilities.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This standard requires that Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. The designated officers of the Diocese have received NBSCC training. They have established close links with the HSE and An Garda Síochána, and support is available from these organisations.

The Diocese has indicated that inter- agency contact and meetings take place in relation to the management of cases and that there are arrangements for providing regular supervision and support for volunteers during the management of cases which is ongoing following an incident/allegation of abuse.

The return for the Audit indicates that advisers are made available to all accused personnel and support persons offered to all complainants. This standard requires that there is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers. The Policy handbook sets out how to respond to allegations. Contacts have been established with HSE to provide information, support and assistance to children and church personnel.

The diocese has stated that since 2005 it follows the guidance in 'Our Children, Our Church' in managing those who may pose a risk to children. It is recommended that the Diocese:

- Explains the support mechanisms available to those making complaints or allegations of abuse; and
- Explains the support arrangements for personnel who have been accused of abuse.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those**

**involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

This standard requires that there is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed. The Diocese indicated that there was a plan but did not submit its plan.

The Diocese has and continues to make available the resources essential for implementing the plan. There is a full-time Director of Safeguarding Children; two Diocesan Trainers, a Diocesan Safeguarding Committee, 59 Parish Safeguarding Representatives, each parish has a Recruitment Committee and there are two designated officers in the diocese.

Since 2009 the Safeguarding Committee have been reviewing and updating its policies and procedures in the light of the NBSCCC Standards document. Changes and amendments have been made in response to new policies and procedures issued by the NBSCCC.

Compliance with child protection policy and procedures and recruitment and selection policy and procedures are monitored through diocesan/parish audits completed in 2007, 2008 and 2011. The Diocesan Safeguarding Committee has read every parish audit, and where they have identified any deficits, they have written to the parish requesting them to address them.

All incidents, allegations/suspicions of abuse are recorded and stored securely in accordance with the resource document in the NBSCCC standards document.

All the criteria in relation to this standard have been met.

## **ALLEGATIONS**

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>0</b>
<b>Notified to diocese by AGS</b>	<b>2</b>
<b>Could not be categorised/analysed</b>	<b>0</b>
<b>Reporting duration could be categorised/analysed</b>	<b>2</b>
Total	4
Allegations against deceased priests	3
Overall Total	7

Table 5.18.1 Summary of allegations data provided by diocese

### **Quality of allegations information returned by the diocese**

All allegations submitted as part of the diocesan audit returns could be categorised with certainty.

### **Analysis of the time taken by the diocese to report allegations**

Two allegations were notified to the diocese by An Garda Síochána and so reporting by the diocese did not arise. Of the other two allegations, one was reported within a week and the other, made



during the Framework period, within eight days, and did not strictly comply with the reporting guidance.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	-	-	-	0
4 to 7 days	-	-	1	-	1
1 week to 1 month	-	1	-	-	1
1 month to 1 year	-	-	-	-	0
1 to 5 years	-	-	-	-	0
5 to 10 years	-	-	-	-	0
10+ years	-	-	-	-	0
Not reported	-	-	-	-	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>

Table 5.18.2: Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

In the case of one allegation which took the diocese six days to report, the reason provided was “n/a”. In the other case, which was reported after eight days to, An Garda Síochána, the reason provided was that it was assumed that AGS would notify the HSE. The diocese has submitted that in each case this was on the advice of the local childcare manager who “did not consider that these were undue delays, taking into account the need to establish whether the complainants in question satisfied the criteria for what constitutes an allegation”.

An allegation from 2002 was reported just over a week later to An Garda Síochána but not to the HSE until 2009 because “The diocese worked on the assumption at that time that An Garda Síochána would forward the allegation to the HSE as appropriate.”

### Distribution of allegations by individual priest

Four priests have had one allegation made against each, two of whom are in ministry. In relation to the priests in ministry, both allegations were fully investigated and the HSE advised the diocese that there were no current child protection concerns. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	2	2

<b>Out of Ministry</b>	<b>1</b>	<b>1</b>
<b>No longer in the clerical state</b>	<b>1</b>	<b>1</b>
<b>Other</b>	<b>-</b>	<b>-</b>
<b>TOTAL</b>	<b>4</b>	<b>4</b>

Table 5.18.4: Number of allegations by priest ministry status

The diocesan audit returns state that one priest in this diocese has been convicted of child sexual abuse.

### **Deceased priests**

Three allegations have been made against two deceased priests.

### **Conclusion**

The data quality in this diocese was found to be of a high standard. Making reports to the civil authorities was hampered by misunderstandings of then existing protocols, this matter has been resolved in updated policy and procedure reviews.

## 19. LIMERICK

The diocese of Limerick includes the greater part of County Limerick, part of County Clare and one townland in County Kerry. There are 60 parishes and 94 churches in the diocese. The Catholic population is 184,340. Fr Anthony Mullins is the diocesan administrator pending the appointment of a bishop to the diocese.

### POLICIES AND PROCEDURES

#### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The current diocesan policy was published in 2009 and is currently under review. It is intended that some policy documents that have been developed in relation to certain procedures that have been adopted by the diocese will be included. The revised policy documents will be published in the Spring of 2012. The current policy is written in a clear and simple way in order to be accessible to all. The policy has been published in large booklets, copies of which have been distributed to all churches in the diocese and is also available in the diocesan Office and Diocesan Pastoral centre. The policy has also been published in a smaller booklet and copies of which have been distributed to sacristans, those involved in youth ministry. Copies of the policy are used in training and all Safeguarding Representatives have received a copy. The policy is also available to download on the Diocesan website.

The policy has been approved by the diocesan authorities and by the National Board for Safeguarding Children and is consistent with current legislation. The policy is mandatory for all staff and volunteers who have to sign a statement that they have received a copy of the policy, read and understood the guidelines it contains and agree to adhere to it.

All the criteria in relation to this standard have been met.

#### **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and civil authorities**

The diocese has clear step-by-step guidance on action to be taken if there are concerns about a child's safety or welfare. Information sessions on the diocese's safeguarding policy and procedures have been held for parents, guardians, young people who are involved in pilgrimages and other activities for young people. The training for altar services includes a section on safeguarding.

The diocese has very clear procedures for managing priests who have a complaint made against them. There is a policy on breach of code of behaviour that applies to all personnel including employees, volunteers and priests.

The Director of Safeguarding is also the Designated Person. Contact details of the designated person and statutory agencies are contained in the policy and are also displayed on posters in all churches and other places where activities for children and young people are held. An interagency forum with the Diocese, HSE and An Garda Síochána has operated for a number of years and regular meetings are held at which all cases are monitored.

There is a process for recording incidents, concerns and accidents. A form for this purpose is available in the sacristy of each church and is also available to download. The diocese has a complaints procedure for dealing with complaints by parents, carers or young people about abusive behaviour and a clear timescale for resolving complaints. Guidance on confidentiality and information sharing states that the protection of the child is paramount and is consistent with best practice. Issues on confidentiality are also covered in training.

All the criteria in relation to this standard have been met.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There is a clear policy on the recruitment of staff and volunteers. In the past volunteers were not required to present ID as they were all known to the parish priest, curate or leader in charge of a group but the revised policy will require all volunteers and staff to present a form of ID as part of the application process. There is a requirement for any priest from outside the diocese who wishes to work in the diocese to produce a “*Good Standing Form*” which has been completed by the Diocese/Congregation that he has previously worked in. He must be willing to undergo training in safeguarding provided by the Diocesan safeguarding trainers.

Garda vetting of staff and volunteers is carried out and the diocese has two authorised signatories. Declaration forms are to be used as an interim measure until Garda vetting has been completed. References are checked by telephone and details recorded on a form. The diocese has a Human Resources and vetting Committee that is chaired by a former Garda Inspector who has worked in childcare services. A human resources professional is also a member of the committee.

During training participants are informed about various ways by which they can raise concerns, particularly in relation to another member of staff or volunteer. The diocese also has a policy on whistle blowing and contact numbers for HSE and Garda are included. The Director of Safeguarding also meets the Safeguarding Representatives twice annually.

The diocese has a policy on day trips and residential outings that includes a risk assessment of safety and suitability of premises and transport arrangements. The diocesan training coordinator has undertaken an audit of the groups in the diocese who take people on trips away from home. All

adult workers who travel with the Diocesan pilgrimage attend a session on safeguarding children that outlines the code of behaviour for pilgrimage workers. All staff and volunteers must agree to adhere to the Code of Behaviour guidelines when they sign the Diocesan Policy regarding working with children and young people. There is a template that has information on discipline and anti-bullying. A disciplinary policy is in place and it is explained to participants at youth events. Young people have opportunities to express their opinions and have their voices heard. Employment contracts include guidance on disciplinary and grievance procedures.

All the criteria in relation to this standard have been met.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The diocese has a well-established training programme. There are three Safeguarding Trainers who have been trained as trainers for Keeping Safe Programme by the Volunteer Development Agency. One of the trainers has completed tutor training. Training is provided to all priests, staff and volunteers in the diocese. The training is comprehensive and covers all aspects of abuse and its prevention and management of concerns. Adults who have special responsibilities have additional training to undertake their roles. A module on residentials will be included in the training programme from the NBSCCC. The Director of Safeguarding attends training provided by NBSCCC in relation to his role and liaises with statutory agencies in order to keep up to date with national developments.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The diocese has produced several posters that are displayed in churches and parish halls. A leaflet has also been produced about safeguarding in the diocese that is designed to increase awareness of safeguarding issues and all the work done in the diocese to date. Children and young people are given opportunities to provide feedback on policies, procedures, code of behaviour and discipline.

Communications to parents include information about safeguarding.

All clergy and volunteers have met with the designated person during training sessions and other events. His name, photo and contact details are widely publicised and are available on the web site. Contact details of the Designated person, HSE and Garda are available on posters and leaflets. The Youth Ministry Webpage has a section with helpline numbers and support services for young people. An information sheet with contact numbers of counselling services and local social services has been produced to ensure that adults who may have been the victims of historical abuse have access to support. Feedback given on training courses and by parents of young people who travel with the pilgrimage is used to review policies and procedures.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Young people are made aware of whom they can talk to if they have problems. A list of support services for young people is published on the Youth Ministry Web page. During altar servers training on safeguarding, children are asked to make a list of those adults in their lives to whom they can go if they have a problem.

Specialist advice for Safeguarding Representatives is available from the Director of Safeguarding who is an experienced social worker and has access to training and support from local HSE and NBSCC.

An inter agency forum with the Diocese, HSE and Gardaí has been in existence for many years meets regularly. All cases are monitored and any policy/procedural issues are also reviewed.

The Director of Safeguarding provides direct supervision and support. The diocese has also identified a number of people who are available to those against whom an allegation is made and to those who have made an allegation.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken**

An annual safeguarding calendar including tasks and those responsible is prepared. It outlines dates for tasks to be accomplished and by whom. The diocese has invested heavily in the Safeguarding Service and is committed to ensuring that resources for implementation continue to be made available. Since 2009 the policy has been reviewed several times, with input from children and parents, resulting in the introduction of interim procedures. A major review of the policy has been completed and is due for publication imminently. The Director of Safeguarding is responsible for recording and monitoring all incidents and allegations. Monitoring of best practice standards is an ongoing process. Local safeguarding representatives complete a checklist every year to ensure compliance with, for example, the display of posters and usage of sign in books. The training coordinator has undertaken an audit of safeguarding practice in the Diocese. Records of all training

and recruitment of volunteers is maintained. The Diocese has a dedicated HR professional who has responsibility for recruitment.

All the criteria in relation to this standard have been met.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>2</b>
<b>Notified to diocese by AGS</b>	<b>2</b>
<b>Could not be categorised/analysed</b>	<b>2</b>
<b>Reporting duration could be categorised/analysed</b>	<b>16</b>
Total	22
Allegations against deceased priests	11
Overall Total	33

Table 5.19.1: Summary of allegations data provided by diocese

### Quality of allegations information returned by diocese

Two allegations could not be analysed with certainty in time taken to report them to the civil authorities. In both instances the diocese stated that it had been notified of the allegations by the HSE. The diocese has submitted that it has never been informed of the identities of the complainants.

### Analysis of the time taken by the diocese to report allegations

The diocese did not strictly adhere to the relevant guidance in all reported cases.

<b>Time taken by diocese to report the allegation to HSE or Gardaí</b>	<b>Reporting Period</b>				
	<b>Pre-1996</b>	<b>Framework 1-Jan-1996 to 7-Dec-2005</b>	<b>Our Children, Our Church 8-Dec-2005 to 23-Feb-2009</b>	<b>Safeguarding 24-Feb-2009 to 31-Jul-2010</b>	<b>Total Allegations Post 1-Jan-1996</b>
<b>1-3 days</b>	-	2	1	1	4
<b>4 to 7 days</b>	-	1	1	-	2
<b>1 week to 1 month</b>	-	2	-	1	3
<b>1 month to 1 year</b>	-	1	-	-	1
<b>1 to 5 years</b>	-	-	-	-	0
<b>5 to 10 years</b>	-	-	-	-	0

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
10+ years	-	-	-	-	0
Not reported	-	6*	-	-	6
<b>Total</b>	<b>0</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>16</b>

\* Reported by Complainant to An Garda in advance of notification to diocese.

Table 5.19.2: Time taken by diocese to report allegations by Church guidance period

In relation to the six allegations described as ‘not reported by the diocese’ the complainant, or in one case a third party, had already reported them to An Garda Síochána, and does not reflect any administrative short comings on behalf of the diocese. In all cases AGS notified the HSE. The diocese states that all cases known to it are subject to regular and ongoing communication with the statutory authorities and that both the HSE and the Gardai have confirmed this to the diocese.

#### Commentary by the diocese for timescales in reporting to the civil authorities

The time taken to make reports were found to be mainly short, one of the longest being 14 days and in that case the diocese has submitted that the allegation was received late on 23 December and was discussed with the HSE “at the first opportunity” after Christmas. In one instance a reason was provided for the time taken in reporting to the HSE, however no reason was provided for the initial five days taken to report to An Garda Síochána. It is clear from the section above that some allegations were not reported because An Garda Síochána were already aware of them.

#### Distribution of allegations by individual priest

10 priests in this diocese had allegations made against them. As can be seen from the chart below, 10 of the 22 allegations (45%) were against two priests.

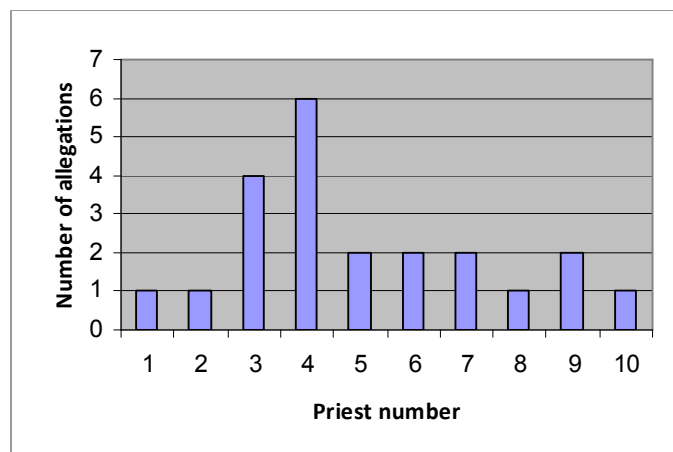




Chart 5.19.4: Distribution of allegations by priest

Two priests ministering in the diocese have had allegations made against them. Both were independently risk assessed and have been returned to ministry on foot of the findings of the risk assessments. The ministry status of priests that have had allegations made against them is set out in the table below:

<b>Priest ministry status</b>	<b>Number of accused priests</b>	<b>Number of allegations</b>
<b>In Ministry</b>	<b>2</b>	<b>2</b>
<b>Out of Ministry</b>	<b>6</b>	<b>17</b>
<b>No longer in the clerical state</b>	<b>-</b>	<b>-</b>
<b>Other</b>	<b>2</b>	<b>3</b>
<b>TOTAL</b>	<b>10</b>	<b>22</b>

Table 5.19.5: Number of allegations by priest ministry status

According to the diocesan audit returns no priest in this diocese has been convicted of child sexual abuse.

### **Deceased priests**

A total of 11 allegations were made against nine deceased priests.

### **Conclusion**

Data quality in this diocese was good. The time taken to make reports beyond “1 to 3” days reporting were mainly short and in a number of cases found reasonable .

## 20. MEATH

The diocese of Meath includes the greater part of Counties Meath, Westmeath and Offaly, and a portion of Counties Longford, Louth, Dublin and Cavan. There are 69 parishes and 149 churches in the diocese. The Catholic population is 242,000. The Bishop of Meath is Bishop Michael Smith.

**Standard 1: A Written Policy on Keeping Children Safe** Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.

The Diocese has a child protection policy that has been developed over a ten-year period and involved many initiatives and much reflection.

The current Policy incorporates procedural elements from the National Board from Safeguarding Children in the Catholic Church (NBSCCC) Standards document and has been developed by a sub-committee of the Diocesan Safeguarding Committee. It has been published (2010) as a handbook which includes the Policy and associated resources in loose leaf format for ease of copying. It is also available in electronic format.

The policy has been designed for ease of consultation and use, using colour coding to link the Policy with the resource materials, which support it. The readability of the material has been calculated at c13–14-year level. A Working Group was set up in December 2011 by the Diocesan Safeguarding Committee to develop “child friendly” information materials in consultation with the NBSCCC.

An extensive process of dissemination was carried out in 2010. It is incorporated in training and information sessions and referenced in parish bulletins and other sources.

The Policy was approved by the Safeguarding Committee and signed off by the Bishop before being submitted to the NBSCCC in March 2010. All church personnel are required to comply with it. The Policy is due for review in May/June 2012

The standard issued by the NBSCCC asks that the policy states how those individuals who pose a risk to children are managed. This is not clearly stated in the Policy.

The standard also asks that the policy state that all current child protection concerns must be reported to the civil authorities without delay. The resource document on reporting contains three references to reporting. The first refers to 'reasonable grounds for concern'. The second refers 'where the child/person appears to be at immediate risk' and the third refers to consideration being given to whether an immediate referral is necessary in order to preserve, and safeguard against the possibility of any loss, deterioration or destruction of potential evidence or forensic evidence.

It is recommended that the Diocese:

- Develop an approach to the management of individuals (Church personnel) who pose risk to children.
- Clarify the time scales and circumstances for the reporting of allegations and concerns to the civil authorities

## **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

The Policy document refers to responding to allegations or suspicions of abuse and there is very detailed procedure set out in Resource M. This has a very useful short section on the procedure to be followed when the Designated Person decides not to make a formal referral. The Procedures are consistent with legislation on child welfare and civil guidance for child protection and are written in a clear and understandable way. However, there is some ambiguity about the time scales for reporting allegations or concerns (See above).

There is a Designated Person whose role is fully described in the Policy and the name and contact details are contained in the document. A Deputy Designated Person has also been appointed.

There is process for recording incidents, allegations and suspicions and referrals and storing these securely, so that confidential information is protected and complies with relevant legislation and this is clearly set out in the Policy. The guidance on recording and data protection issued by the NBSCCC has been adopted.

This standard requires that there is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. This is clearly set out in Resource H of the Policy.

The standard also requires that there is guidance on confidentiality and information-sharing which makes clear that the protection of the child is the most important consideration. This is referred to in the Policy and in Resource T (This was not included in the return for the Audit nor is it included in the Diocesan Website). This is further referred to in resource M that states that absolute confidentiality cannot be guaranteed to a person who wishes to speak about a situation of abuse or

suspected abuse. The Policy states that this does not apply to situations involving the Sacramental Seal (Confession), which is inviolable.

The information on confidentiality does not deal comprehensively with the situation where people reporting concerns or allegations to the Diocese request confidentiality. It is recommended that:

- The issue of confidentiality needs to be addressed more fully and the policy revised accordingly.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There are very clear policies and procedures in place in the diocese for recruiting staff and volunteers who have contact with children and for assessing their suitability to work with children. This is covered in the Policy and in a number of resource documents. The safe recruitment and vetting policy is in line with best practice guidance

All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded. The Garda Vetting process for the Diocese commenced in May 2009 and since then 374 personnel have been vetted. A process Review Group has been convened to deal with matters that arose in relation to the Garda Vetting Process.

The diocese has a Code of Behaviour for adults. All church personnel sign a statement indicating that they have received a copy of the code of behaviour and agree to follow it when taking up their position. Any breaches of this Code are dealt with under a Disciplinary and Grievance Procedure. There is also a Code of Behaviour for children participating in church activities. This stops short of being an anti-bullying policy.

This standard has a criterion that states there are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary. The diocese has great deal of information on the reporting of abuse both internally and externally but none of this could be described as a whistle-blowing policy as described in this standard.

The processes for dealing with unacceptable behaviour are set in the Policy and the resource documents.

This standard requires that there is guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views. This is not covered specifically in the Policy or resources.

The standard also requires that policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch. This is not covered in the Policy or procedures.

There is very good guidance on assessing risks when working with children, especially in activities that involve time spent away from home. There is also clear guidance on supervision ratios.

The standard requires that guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation. This is referred to briefly throughout the Policy and resources but is not comprehensively addressed.

It is recommended that the Diocese:

- Develop an anti-bullying policy
- Develop an equality policy
- Develop guidance on personal /intimate care of children with disabilities
- Develop guidance on the appropriate use of all information technology

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The Policy document sets out clearly the training arrangements that are in place in the Diocese. An identification of training needs is carried out annually by the Diocesan Resource Team who then develops an annual training programme; identify the associated resource implications and present these to the Diocesan Safeguarding Children Committee for approval and action.

All Church personnel who work with children in Church related are provided with an information session dealing with the policy and procedures in operation in the Diocese. Clergy and Parish Representatives and other identified personnel undertake The Keeping Safe training programme in consultation with the HSE and are offered regular opportunities to update their skills and knowledge in safeguarding children. Training is also provided for those with additional responsibilities such as recruitment and selection; dealing with complaints and other matters.

The diocese has identified four priority areas for training. These are:

1. Keeping Safe training
2. Update on revised policy and procedures
3. Information sessions
4. Other Training Needs (Particular skills training)

The provision of training follows the HSE cascade model. Two resource persons have completed Keeping Safe “Training for Trainers”, run by the HSE. They, the designated persons and the support persons attend training run by the NBSCCC and the trainers run training for Parish Representatives and others engaged in other activities

Evaluation forms are available for all training sessions delivered and the numbers of training sessions and the number of participants is detailed in the Annual Report.

All the criteria in this standard have been met

#### **Standard 5: Communicating the Church's safeguarding message**

##### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

A poster with the policy statement and contact details for the Diocesan Delegate is displayed in all church porches. Printed copies of the policy and procedures handbook are available in each parish. The policy is available on the diocesan safeguarding website and occasional newsletters are produced.

The Policy and the resources emphasise the need for group leaders to undertake this task but as mentioned earlier a working group has been set up to develop "child friendly" information materials.

A working group has also been set up to develop consultation and feed back processes in line with the communication policy with the target groups (which include children) to ensure needs are met and practice improved.

The poster for display in Church Porches is going to be reviewed as it is considered that information on reporting to the civil authorities should feature more prominently.

All the criteria in this standard have been met

#### **Standard 6: Access to advice and support**

##### **Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

##### **Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection through the Designated Person whose role is summarised in the Policy document. There is also an Advisory Panel (Case Management Committee) that has been appointed by the Bishop to advise and assist him at all stages of the investigative process into alleged abuse by church personnel. The NBSCCC acts as resource for church organisations and is accessible to all such bodies for advice or guidance and supports the Designated Person. The HSE staff are also available to provide advice and guidance.

There is clear guidance on how to respond to and support a child who is suspected to have been abused. The Bishop will appoint a Support Person to be available to those who make an allegation /disclosure of abuse against a member of Church Personnel. The role of the Support Person is to assist, with communication between the child or adult making an allegation or disclosure and the Designated Person, to facilitate the child or adult in gaining access to information and help, and to represent their concerns during the inquiry process.

Support is provided to those who have been accused through the appointment by the Bishop of an Adviser. An Adviser will represent the needs of the respondent to the Bishop and assist, where appropriate, with the care of the respondent and with communication between the respondent, the Designated Person and the Bishop.

All the criteria in this standard have been met

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

The diocese produced an action plan for implementing and monitoring the Safeguarding Children Policy and submitted this to the NBSCCC in July 2010. It covers the period 2010 -2012 and was updated in September 2011. The Action plan sets out very clearly the objectives of the plan, the action to be taken in respect of each objective. The personnel involved and the timeframe for completion.

The diocesan Safeguarding and Finance Committees are responsible for policy and financial resources respectively. There is a Resource Team in place to support implementation and there are at least two Safeguarding Representatives in each Parish.

The Diocesan Action Plan provides for review and the date has been set for may/June 2012. Any additional elements developed by the NBSCCC or new legislation will be incorporated and disseminated to the relevant people by the Resource Team.

Arrangements are in place to monitor compliance with child protection policy and procedures through the Resource Team and Parish Safeguarding Representatives meetings. There are also annual parish self audits and an annual Diocesan self audit. These are reported upon in the Safeguarding Children Annual Report.

The Safeguarding Committee has established a working group to develop consultation and feed back processes with target groups (including children). The aim of this group is to ensure needs are met and practice improved.

There are clear policies and procedures for the recording and storage of all complaints received by the Diocese.

All the criteria in this standard have been met

#### **ALLEGATIONS**

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>1</b>
<b>Notified to diocese by AGS</b>	<b>0</b>
<b>Could not be categorised/analysed</b>	<b>1</b>

<b>Reporting duration could be categorised/analysed</b>	<b>1</b>
Total	3
Allegations against deceased priests	2
Overall Total	5

Table 5.20.1 Summary of allegations data provided by diocese

### Quality of allegations information returned by diocese

One allegation was notified to the diocese by the HSE and it was possible to categorise the time taken to report for a second. A third allegation could not be analysed with certainty. The diocesan audit returns state that the allegation was notified to the diocese in February 2008 but the returns also state: *"Subsequent to bringing complaint to the appropriate authorities Fr [] sent a memo to me which did not state the date on which notification was made. I received his memo in Feb 2008."* The diocese has submitted that the priest who received the allegation was living outside the diocese at the time. At a later stage in the audit process the diocese provided a date of notification to the HSE, but HSE records show the allegation as having been notified over a year later. A further 17 allegations against this priest who was the subject of the 2008 complaint are known to An Garda Síochána and 12 of these relate to the diocese of Meath. Four of the remaining allegations refer to the diocese of Ossory and the fifth to England. The audit returns for Meath refer to one allegation having been made against this priest in the Meath diocese. A further 12 allegations against this priest, which related to Meath, were not included in the audit returns for the diocese. The diocese has submitted that information on those allegations has not been shared with the designated person.

### Analysis of the time taken by the diocese to report allegations

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Dec-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Dec-1996
1-3 days	-	-	-	-	0
4 to 7 days	-	-	-	-	0
1 week to 1 month	-	-	-	-	0
1 month to 1 year	-	-	-	1	1
1 to 5 years	-	-	-	-	0
5 to 10 years	-	-	-	-	0
10+ years	-	-	-	-	0
Not reported	-	-	-	-	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>



Table 5.20.2: Time taken by diocese to report allegations by Church guidance period

**Commentary by the diocese for timescales in reporting to the civil authorities**

An allegation in relation to an alleged incident in the 1970s was stated to have been notified to a priest “years ago” who was sworn to secrecy by the complainant. The diocesan representative was advised of the allegation by the priest in 2010. Following receipt of that notification it took the diocese a month and a half to notify the civil authorities, which did not meet the expectation of the relevant church guidance. The diocese has submitted that this was because it took a number of weeks to ascertain the name and contact details of the complainant.

**Distribution of allegations by individual priest**

The above three allegations were made against three separate priests, all of whom are resident in the diocese. Two are out of ministry. According to the audit returns, no priest has been convicted of child sexual abuse in this diocese.

**Deceased priests**

Two allegations were made against two deceased priests.

**Conclusion**

The quality of record-keeping in the diocese is a matter of concern in that complete dates were not initially available in respect of any of the allegations and most importantly in relation to the allegation made in 2010. The HSE requested complete dates in respect of all allegations and the response from the bishop was “*I don’t have exact dates because I never received them*”. The date on which an allegation is received should be contemporaneously noted in diocesan records. The Ferns report makes a recommendation in this regard in relation to record-keeping. It appears that the diocesan audit return was based solely on the bishop’s own knowledge. For example if dates of allegations notified to the diocesan delegate did not appear in memoranda from him to the bishop then, it appears, they were deemed not to be known. While eventually some complete dates were provided by the diocese, it is not clear why it took a number of requests before these were provided.

It is also a matter of concern that 12 allegations known to An Garda Síochána relating to incidents alleged to have occurred in the diocese, and to a priest incardinated there, appear not to have been known to the diocese.

## 21. OSSORY

The diocese of Ossory includes most of County Kilkenny and portions of Counties Laois and Offaly. There are 42 parishes and 89 churches in the diocese. The Catholic population is 89,195. The Bishop of Ossory is Bishop Seámus Freeman, SAC.

### POLICIES AND PROCEDURES

#### Standard 1: A Written Policy on Keeping Children Safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

This diocese produced a Diocesan Safeguarding Children Policy in early 2009. It was ratified by the Diocesan Safeguarding Children Committee, signed by the Chairman and approved and signed by the Bishop. Copies were sent to parishes on 13<sup>th</sup> March 2009 and priests were asked to implement it in parishes. Copies were also sent to staff in the HSE and to the NBSCCC.

A laminated notice giving contact details for Designated Officers, HSE and An Garda Síochána were also sent to parishes. This notice was to be displayed in all churches and all parish buildings that are open to the public.

The Policy Statement and a number of other documents relating to safeguarding are published on the Diocesan Website. It is stated *“that the diocese values and encourages the participation of children and young people in parish liturgies and in activities that enhance their spiritual, physical, emotional and social development. We recognise and uphold the dignity and rights of children and young people and are committed to their protection and support in a way that promotes human dignity, integrity as children of God”*.

In response to the audit the diocese states that to satisfy the implementation of its policy it adheres to the *Safeguarding Children Standards and Guidance Document for the Catholic Church in Ireland*, produced by the NBSCCC and to *Children First: National Guidance for the Protection of Children*, Department of Children and Youth Affairs.

The diocese stated that copies of the NBSCCC Standards Document were presented to the Diocesan Safeguarding Committee, Diocesan Safeguarding Advisory Panel, to all priests and copies are available in all 42 parishes. The diocese has not produced a customized policy and procedures document following publication of the NBSCC document.

The diocese has stated that the NBSCCC Standards document was promoted by:

- A member of staff of the NBSCCC who met with priests at a General Conference
- Information updates sent by email to all parishes
- Notice in parish newsletters
- Diocesan Website
- Safeguarding training for priests and parish staff/volunteers
- Diocesan Safeguarding Coordinator

The diocese has indicated that the Diocesan Safeguarding Committee in consultation with the Diocesan Pastoral Council will review the document every three years. In the interim period, if the National Board for Safeguarding Children reviews the document, any recommendations/amendments will be included in the Diocesan Policy. The Diocesan Safeguarding Committee meets every six weeks.

The Diocesan Policy is mandatory for all church personnel.

- It is recommended that the diocese should develop its own customized Policy and Procedures document on Child Safeguarding

**Standard 2: Procedures—How to respond to child protection allegations and suspicions**  
**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

On the laminated poster which was sent to all parishes there is a notice giving contact details of Gardai, HSE and Designated Persons. The Designated Persons deal with all concerns and complaints.

The reporting procedure are displayed on framed posters in all churches and parish property giving details of contact details for the diocese, HSE, and Garda Síochána personnel should anyone have a concern about child safety. A flow chart/process map; recording forms from the Safeguarding Standards produced by the NBSCCC are available. The diocese has appointed four Designated Persons, two priests and two lay people. It also has a Safeguarding Committee, which is responsible for creating, maintaining and monitoring a safe environment for children in all aspects of Church life. The Diocese seeks the advice at all times from the National Case Management Resource Group at the National Board.

All the criteria in this standard have been met.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

In response to the audit this diocese submitted the following items

- A copy of the recruitment policy and procedure
- Examples of application, reference and declaration forms
- A copy of the code of Conduct for Adult/Child behaviour
- Guidance on physical contact
- Recorded evidence of all disciplinary and grievance action

All of these appear to be in reference to the NBSCCC Standards document.

The following documents were accessed from the diocesan web site:

- Principles of Best Practice
- Good Practice Procedures
- Code of Conduct for Adults
- Code of Conduct for Children and Young People

The guidance in these documents meets all the criteria under this standard.

The Diocese stated that two staff attended training at the Garda Vetting Office and it has submitted a request for two more staff to be trained in this area. To date 69 priests and more than 260 staff/volunteers in parishes have been vetted. It is compulsory for all volunteers before participating in training complete a Garda Vetting Form, an Application Form and provide references, not from the parish priest. References are checked.

The diocese also stated that all parishes have a Health and Safety Policy in place.

All the criteria in this standard have been met.

### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The diocese has trained and continues to train Safeguarding Representatives in each of the 42 parishes. As mentioned before some personnel have attended courses on Garda vetting.

The Diocese stated that it met all the criteria in this standard and stated that an Information/training pack was enclosed. This was not submitted.

It is recommended that the diocese develops a training strategy to ensure that all personnel who have contact with children have training in child safeguarding appropriate to their role and responsibilities.

#### **Standard 5: Communicating the Church's safeguarding message**

**Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

**The diocese has published a lot of information, guidance and codes of conduct on its website.** The diocese stated that information leaflets are provided during training for children their parents in English and that a copy was enclosed. This was not submitted..

The diocese stated that information is prominently displayed in Church Buildings. It submitted a copy of a poster produced in March 2009. Details of contact details for the Designated Person, HSE, An Garda Síochána personnel and helplines are displayed on these posters.

Finally the diocese stated that Ossory Youth (Youth Organisation) engages with young people and that the Bishop meets with youth groups.

All the criteria in this standard have been met.

#### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

In response to the audit the diocese stated that copies of formation for children about sources of support are prominently displayed in church property and available on the web site.

Information about training, advice and support for staff and volunteers are published and parishes notified by email from the Diocesan Safeguarding Office. The Diocese and the HSE South provide training.

Advice is sought from staff in the HSE South, NBSCCC and An Garda Síochána.

The diocese states that it has a good working relationship with the staff of the HSE South and An Garda Síochána and that this support is very much valued and appreciated.

- It is recommended that the diocese develops policies on how people who have suffered abuse are responded to and how those who have perpetrated abuse are supported.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

The diocese stated that a review of Safeguarding was scheduled for 1<sup>st</sup> December 2014 and that the Chairperson of the Diocesan Safeguarding Committee is responsible for initiating the review.

The diocese stated that it had measures in place to satisfy the criteria in this standard but did not submit any evidence to support the claim.

- It is recommended that the diocese develop a written plan for monitoring the implementation of its policies and procedures on child safeguarding.

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>1</b>
<b>Notified to diocese by AGS</b>	<b>8</b>
<b>Could not be categorised/analysed</b>	<b>15</b>
<b>Reporting duration could be categorised/analysed</b>	<b>3</b>
Total	27
Allegations against deceased priests (figure not provided)	
Overall Total	

Table 5.21.1: Summary of allegations data provided by diocese

### Quality of allegations information returned by diocese

56% of the allegations in this diocese could not be categorised with certainty.

The dates on which the diocese was first notified of 12 allegations were not provided and so it was not possible to ascertain how long it took the diocese to report them to the civil authorities. 10 of the allegations related to one priest who was convicted of child sexual abuse and the returns state that *“some of the allegations would have been made to the Diocese of Ossory by either the HSE and/or Gardai”*. HSE cross-referencing shows that the HSE did not report any of these allegations to the diocese. Cross-referencing by An Garda Síochána confirmed only that it held records of the allegations and not whether An Garda Síochána notified the diocese or vice versa. Two of the above 12 allegations refer to a priest incardinated in the diocese of Meath who was on loan to Ossory at the time of the alleged incidents and the returns state that *“The Diocese of Meath is dealing with this matter”*. There appears to be some confusion between this diocese and Meath in relation to these allegations. The Meath returns indicate that the diocese was not notified of the allegation and that it only became aware of it third hand: *“The complaint was made in the diocese of Ossory pre-*

2000. I received third hand information and neither the HSE or Gardaí even communicated with the Diocese on any aspect of the complaints they received.” In this audit, only incidents alleged to have occurred in a diocese are included in the figures for that diocese and so the above two allegations should form part of the Ossory audit returns only. The Ossory returns state that the allegations were not notified to the HSE until this audit commenced “as the alleged abuse took place when the priest was on loan”. A total of 18 allegations are known to An Garda Síochána in relation to this priest, of which four relate to the Ossory diocese, yet the audit returns for Ossory refer to only two. (The diocese has since submitted that it has agreed with the local Gardaí that the number of allegations in relation to this priest is three.)

Two allegations could not be analysed because of inadequate information provided on dates and another could not be confirmed by cross-referencing by An Garda Síochána.

Although incomplete dates were provided for a further three allegations it was possible to deduce their reporting duration categories.

### Analysis of the time taken by the diocese to report allegations

The three allegations that could be categorised did not comply with the expectations of best practice and where applicable the guidance of the time.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	-	-	-	0
4 to 7 days	-	-	-	-	0
1 week to 1 month	-	-	1	-	1
1 month to 1 year	-	-	-	-	0
1 to 5 years	-	-	-	-	0
5 to 10 years	-	-	-	-	0
10+ years	2	-	-	-	0
Not reported	-	-	-	-	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>

Table 5.21.2: Time taken by diocese to report allegations by Church guidance period

Two allegations were reported to the civil authorities 32 and 49 years after notification to the diocese. One of these related to a priest who had a conviction for child sexual abuse in another jurisdiction. The third analysable allegation, notified during the Our Children, Our Church period, was reported to the HSE within one month.

### Commentary by the diocese for timescales in reporting to the civil authorities

One of the above allegations was reported to AGS when received but not to the HSE until 1996, when as the diocese has since submitted “there became a greater awareness of CSA in the Church, due to the publication of the Framework document”. The second was not notified to the HSE other than as part of this audit because the identity of the alleged victim was unknown. No reason was provided for the time taken to report the allegation made during the Our Children, Our Church period.

### Distribution of allegations by individual priest

The number of priests against whom allegations were made in this diocese was nine. As can be seen from the chart below, 19 of the 27 allegations (70%) were against two priests, neither of whom is still in the clerical state. Six of the nine priests concerned have had one allegation made against each.

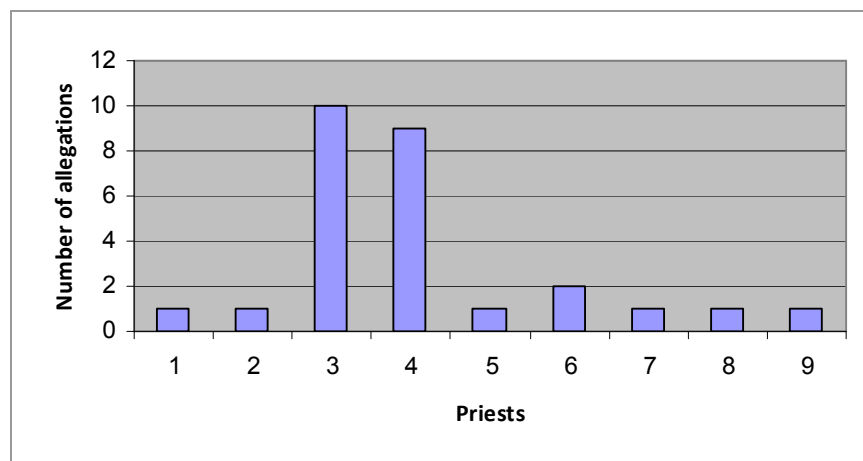


Chart 5.21.4: Distribution of allegations by priest

According to the audit returns one priest still in ministry in this diocese has had an allegation made against him. It is not known if he has been risk assessed. The information from the returns on the ministry status of priests with allegations against them is summarised in the table below. (The diocese has since submitted that there is no priest in the diocese either in or out of ministry with an allegation against him, although it is not possible to reconcile this with the diocesan returns.)

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	1	1
Out of Ministry	1	1
No longer in the clerical state	4	22
Other	3	3
TOTAL	9	27

Table 5.21.5: Number of allegations by priest ministry status



The diocesan returns indicate that three priests in this diocese have been convicted of child sexual abuse.

### **Deceased priests**

The audit returns state that one deceased priest has had allegations made against him, however the number of allegations was not provided.

### **Conclusion**

Data quality in this diocese was poor with no completed reporting dates provided. Time taken to report categories were only calculable in three cases, and then by deduction.

The two priests in the diocese against whom the greatest numbers of allegations were made are no longer in the clerical state and both have been convicted of child sexual abuse. The significant omissions in the audit returns are concerning. It is also concerning that the Ossory diocese is under the mistaken impression that the Meath diocese is handling allegations against a priest in relation to alleged offences in Ossory. Four allegations are known to An Garda Síochána in relation to this priest that relate to the Ossory diocese and yet the returns refer to only two. (The diocese has since submitted that this figure should be three.) Due to the significant gaps in the audit returns of this diocese, how it handled allegations proved difficult to assess.

## 22. RAPHOE

The diocese of Raphoe includes most of County Donegal. There are 33 parishes and 71 churches in the diocese. The Catholic population is 81,350. The Bishop of Raphoe is Bishop Philip Boyce.

### POLICIES AND PROCEDURES

#### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The Diocese has a new safeguarding policy *“Diocese of Raphoe Safeguarding Children Policy and Procedures 2011.”* The Diocesan Policy is based on the Standards Document produced by the NBSCCC and is written in a clear and easily understood way. There is also a Policy Statement poster that contains contact details for personnel within the Diocese, the contact details for the HSE and An Garda Síochána and information on counselling services. A special simplified child friendly Policy Statement poster is being designed by the NBSCCC and is to be available in February 2012. This poster will be displayed in all churches and where church related activity-involving children take place throughout the Diocese.

The policy has been approved and signed by the Bishop, the Diocesan Safeguarding Committee and the NBSCCC. It states that all church personnel are required to comply with it and it has been widely circulated throughout the Diocese.

The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays and clearly describes the Church’s understanding and definitions of abuse.

The current policy will be reviewed in three years time. The matter of reporting to the civil authorities is dealt with in Standard 2 Reporting Procedures. There is one omission in the Policy that is required by the NBSCCC Standards. This standard requires the policy to state:

- How those individuals who pose a risk to children are managed

This matter is not addressed in the Diocesan policy document and it is recommended that the Diocese:

- Develop a policy on the management of individuals who pose a risk to children.

**Standard 2: Procedures – how to respond to child protection allegations and suspicions**  
**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

The Policy document refers to responding to allegations or suspicions of abuse and there are very detailed procedures contained therein. The reporting procedures are supported by a set of Core Principles underpinning them. There is a simple but clear Flow Chart on the preferred reporting procedure and there is guidance on the following:

- Giving children the confidence to speak out
- Responding to a child making an allegation of abuse
- How to respond to an adult making an allegation
- A complainant who is dissatisfied with the way the Church has dealt with a concern
- Anonymous allegations or concerns
- Listening to a person who admits abusing a child
- Seal of confession

The Procedures are consistent with legislation on child welfare and civil guidance for child protection and are written in a clear and understandable way.

There is Diocesan Designated Person and Deputy Designated Person. They are lay people and their role is explained in an Appendix to the Policy Document. Their contact details are contained in the Policy and in the Poster referred to earlier.

There is process for recording incidents, allegations and suspicions and referrals and storing these securely, so that confidential information is protected

The Policy document contains a Recording Form as an appendix and the audit return indicated that the Designated Person keeps these records safely and in a confidential place. The Bishops stores them securely in a safe at the diocesan office.

This standard requires that there is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint. While there is general complaints form in the policy document there is no explicit reference to a Complaints Policy. However, there is a very comprehensive Anti- Bullying Policy contained in an appendix to the Policy Document. This contains procedures for reporting incidents along with time scales to resolve any issues.

There is guidance on Confidentiality and on the Seal of Confession. There are details of the local child protection services and the police services.

There are two issues that need to be addressed and it is recommended that the Diocese:

- Reviews its information on recording to ensure that the storage of confidential information complies with the guidance issued by the NBSCCC
- Develops a Diocesan Complaints Policy and provides Guidance on the contents of appropriate complaints policies for Church Activities.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

There are very clear policies and procedures in place in the Diocese for recruiting staff and volunteers who have contact with children and for assessing their suitability to work with children. This is covered in the Policy and in a number of resource documents. The safe recruitment and vetting policy is in line with best practice guidance

All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded. Details of Parish Representatives are retained and stored in the Diocesan Safeguarding Office. The Parish Priest retains details of volunteers at local level. Over 600 personnel have been vetted.

The Policy Document contains a number of Codes of Conduct. There is

- A General Code of Conduct for Adults
- A code of Behaviour for Children involved in church liturgies and activities
- Operating Safe activities for children
- Additional Good Practice Guidelines for pilgrimage/residential programmes.

There is also a very good Anti- Bullying Policy in an Appendix.

The consequences of breaching the code of conduct is to be developed further in conjunction with Children First and personnel of the West HSE

This standard has a criterion that states there are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary. The diocese has great deal of information on the reporting of abuse both internally and externally but none of this could be

described as a whistle-blowing policy as described in this standard. The audit return indicated that this issue is well covered in training events by reference to the Protection of Persons Reporting Child Abuse Act 1998.

The processes for dealing with unacceptable behaviour are set out in the Policy and the resource documents and do not include any approach that could be construed as abusive. All disciplinary measures are non – violent and do not involve humiliating children and young people. The Diocese has adopted the HSE “No Blame Method”.

This standard requires that there is guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views. This is not covered specifically in the Policy or resources.

The standard also requires that policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch. There is very good succinct guidance on this issue.

There is very good guidance on assessing risks when working with children, especially in activities that involve time spent away from home. There is also clear guidance on supervision ratios.

The standard requires that guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation. This is comprehensively addressed in an Appendix.

It is recommended that the Diocese:

- Develops a whistle- blowing policy
- Develops an equality policy

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

All active members of clergy together with parish representatives have attended Safeguarding Training Sessions on a yearly basis. Other groups who work with children have also received training. These training sessions provided opportunities to learn about how to recognise and respond to concerns about child abuse.

The two Diocesan Trainers regularly attend training events organized by the NBSCCC. These new updates are then passed on to the clergy and parish representatives throughout the Diocese. Usually this training is delivered in clusters of parishes called “deaneries”. There is an induction and training session for all new parish representatives and volunteers. All are provided with a training manual, DVD and handouts to enable them to deliver train to their parish team. Group and one-to-one

training are also available from the Raphoe Safeguarding Children Service. Regular review meetings take place with clergy and parish representatives.

At Diocesan level, the two designated Diocesan Officers together with the Diocesan Support Persons receive training from the NBSCCC who invite speakers from the HSE, An Garda Síochána and other agencies.

This standard requires training to be provided to those with additional responsibilities. Training for trainers, designated persons, bishop, support persons and advisers are provided by NBSCCC.

All the criteria in relation to this standard have been met.

### **Standard 5: Communicating the Church's safeguarding message**

#### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

A large poster with the policy statement and contact details of various personnel and agencies is displayed in all parishes and parochial halls where children gather.

The Raphoe Policy and Procedures Booklet is distributed to all clergy, parish representatives and others. There is regular emphasis on the safety of children in all church activities conveyed to parents at parish meetings. The safety of children is emphasised in parish newsletters, parish websites and diocesan websites.

Children and young people are made aware of their right to be safe from abuse and who to speak to if they have concerns through their parish team and clergy. This is addressed at parish meetings where children are involved and at training sessions. This is further emphasised by child friendly posters being developed by the NBSCCC in 2012.

The Diocese expects children to be involved in drawing up procedures or protocols and in the planning and evaluation of activities. There is to be more emphasis placed on this in the future.

The information is provided in a format and language that is easily understood by all service users. The recently updated Policy and Procedures booklet is set out in an attractive and colourful format, clear and simple text and colour-coded index for locating information.

Steps are taken to seek user's views on policies and procedures and how they are working through regular review meetings and evaluation of training events. Cognizance is taken of all feedback from parents, clergy and other professionals and implemented where appropriate.

All the criteria in relation to this standard have been met.

### **Standard 6: Access to advice and support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

Designated Child Protection staff have access to training, advice and support from the NBSCCC, HSE, An Garda Síochána, Barnardos, ISPCC and other specialist in this field. This training and advice and support is also available to parish personnel, parish safeguarding representatives and clergy through the Raphoe Safeguarding Service, Safeguarding Committee, Diocesan Trainers and other Diocesan trained personnel. Advice can be directly sought from the NBSCCC, the HSE, An Garda Síochána and others.

Regular meetings take place with the Local HSE and An Garda Síochána. A special meeting is scheduled for early 2012 with the HSE for clergy and other key personnel on how to deal with complainants who show anger; how to discern a deeper problem beneath unsociable conduct; how to engage with children without fear of false allegations and other matters.

Support and Pastoral Care in relation to child abuse is available from the Diocesan Support Persons to staff and volunteers.

The Policy and Procedure Document provides clear guidance on how to respond and support a child who alleges abuse. The Designated Person will provide information about where and how to get specific help and advice whether the abused person is a child or an adult and whether the abuse is current or historical. Appropriate pastoral support is offered whether an allegation concerns current or historical abuse. Special arrangements are in place to help those adults and children with learning difficulties access advice and support. The Diocese will develop these arrangements further. The Diocese offers counselling to all affected by abuse suffered within the Church.

Those who are accused of abuse will have pastoral support and advice offered by an appointed Advisor as they go through reporting and investigation. The Diocese strongly recommends that a perpetrator of abuse will seek appropriate remedial and therapeutic help to enable him/her to confront the gravity of abuse and hopefully reduce the risk of reoffending. The Diocese also recommends that healing should be promoted in a manner that does not compromise any child's safety.

All the criteria in relation to this standard have been met.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

This standard requires that there is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed. While

the Diocese has a comprehensive Policy Document dealing with many issues contained in the Standards issued by the NBSCCC it does not have a written plan as outlined above.

The Financial and Human Resources to secure implementation of the Safeguarding Policy are in place. There is:

- An Advisory Committee
- A Safeguarding Committee
- Two Accredited Trainers (male and female)
- Two Designated Persons (male and female)
- Two Support Persons (male and female)
- Confidential Diocesan Counselling Service
- Access to HSE National Counselling Service and other counselling services.

Monitoring of compliance with child protection policies and procedures is achieved through annual meetings and updated training for clergy and parish representatives that are arranged by the Child Safeguarding Committee. All clergy and parish representatives are expected to attend these. An annual audit designed by the NBSCCC, based on their Seven Standards takes place within each parish. These audits are returned to the Safeguarding Office where they are reviewed and assessed. The NBSCCC is informed of the outcome of these audits and any significant issues arising. The NBSCCC will discuss this with the Diocese in order to establish what additional help or support may be required.

There are processes in place to ask parishioners (children and parents/carers) about their views on safeguarding. There are also mechanisms in place to evaluate the effectiveness of the safeguarding measures.

It is recommended that the diocese:

- Develops a written plan for the implementation and monitoring of the standards

## ALLEGATIONS

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>6</b>
<b>Notified to diocese by AGS</b>	<b>16</b>
<b>Could not be categorised/analysed</b>	<b>3</b>
<b>Reporting duration could be categorised/analysed</b>	<b>20</b>
Total	45
Allegations against deceased priests	4
Overall Total	49

Table 5..22.1: Summary of allegations data provided by diocese

## Quality of allegations information returned by diocese



The information provided was quite difficult to decipher. In most cases complete dates were not provided, although in a considerable number the time taken to report category could be deduced. For example, an allegation notified to the diocese in 1994 and reported in 2002 was categorised as having taken between five and ten years to report.

The reporting dates for three allegations could not be confirmed by HSE cross-referencing and so these have been classed as not analysable. 24 allegations were made against one priest in the diocese. The diocesan returns state that An Garda Síochána notified two of these to the diocese. AGS confirmed that it held a record of the allegations in question but could not confirm that it was they who notified the diocese. The diocese further stated that it heard of a further 18 of these allegations *“gradually only through the newspapers, reports of the hearings and through solicitors (sic) letters of request for compensation”*. Subsequent to the audit the diocese provided the dates on which it received these notifications but it was not possible to calculate the time it took to report them. They have been classified as “Notified to diocese by AGS”.

### Analysis of the time taken by the diocese to report allegations

The time periods used in reporting 82% of post-1996 allegations which fell to the diocese to report did not comply with the expectations of the church guidance in existence at the time. In 79% of those cases the reporting period was more than one month. The majority of allegations were received before or during the Our Children, Our Church period.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	3	-	-	3
4 to 7 days	-	1	-	-	1
1 week to 1 month	-	1	1	-	2
1 month to 1 year	1	8	1	-	9
1 to 5 years	-	1	-	-	1
5 to 10 years	1	1	-	-	1
10+ years	-	-	-	-	0
Not reported	1	-	-	-	0
Total	3	12	2	-	14

Table 5.22.2: Time taken by diocese to report allegations by Church guidance period

An allegation from 2003 was reported within a week to An Garda Síochána but not reported to the HSE for over three years. No reason was provided.

### Commentary by the diocese for timescales in reporting to the civil authorities

No clear reason was provided for the time taken to report in most of the 15 demonstrably reportable allegations. The reasons provided for several allegations did not make sense, for example the reason in one case was the word *“Unlikely”*. The diocese has since submitted that this refers to an assurance given by the Delegate to a complainant, to the effect that it was unlikely that he would be contacted by the civil authorities.

Other reasons cited were reportedly due to the time taken to contact the complainant or because the priest in question was in prison.

### Distribution of allegations by individual priest

12 priests in this diocese had allegations made against them. As can be seen from the chart below, 37 of the 45 (82%) were against 4 priests.

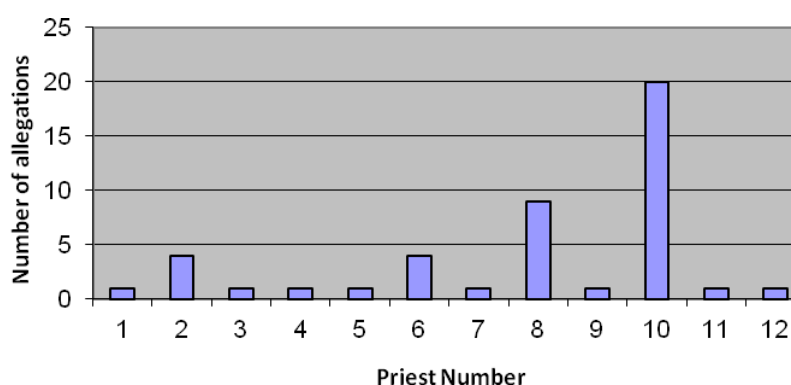


Chart 5.22.4: Distribution of allegations by priest

Four priests still in ministry in this diocese have had allegations made against them. One priest in ministry with four allegations made against him was risk assessed. Two other priests were not risk assessed and the remaining priest in ministry was risk assessed. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	4	7
Out of Ministry	5	16
No longer in the clerical state	3	22
Other	-	-
TOTAL	12	45

Table 5.22.5: Number of allegations by priest ministry status

The diocesan returns state that five priests have been convicted of child sexual abuse in this diocese. This figure includes a Missionary priest who worked on loan in the diocese for a period in the 1990s.

### Deceased priests

Four allegations were made against two deceased priests.

### **Conclusion**

Data quality in this diocese was poor with incomplete dates provided in many cases.

The diocese did not provide the date on which it was first notified of 19 allegations in relation to one priest on the basis that it was not informed of them directly. However, the returns stated that it heard of some of those allegations in letters from complainants' solicitors and the diocese has since provided reporting dates for most of them. The time taken to report 82% of the allegations that could be categorised did not meet with the expectations of church guidance, 79% of these took more than one year to report. The reporting record of the diocese both in terms of quality of information provided and in terms of speed of reporting was poor.

## **23. TUAM**

The archdiocese of Tuam includes half of County Mayo, half of County Galway and part of County Roscommon. There are 56 parishes and 131 churches in the diocese. The Catholic population is 122,397. The Archbishop of Tuam is Archbishop Michael Neary.

### **Standard1: A Written Policy on Keeping Children Safe**

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The Diocese has a Child Protection Policy "Safeguarding Children and Young People" dated February 2010. The Diocesan Policy is based on the Standards Document produced by the NBSCCC and is written in a clear and easily understood way. There is also a Policy Statement poster that contains contact details for personnel within the Diocese, the contact details for the HSE and An Garda Síochána.

The policy has been developed by the Diocesan Safeguarding Children Committee and approved and signed by the Archbishop, the Diocesan Safeguarding Committee and the NBSCCC. It was checked by both the HSE and the NBSCCC and contains a specific 'child friendly' Code of Conduct. It has been widely circulated throughout the Diocese and applies to all personnel.

The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays and clearly describes the Church's understanding and definitions of abuse.

The policy was launched at nine venues throughout the Diocese in Spring 2010. Each parish has received 15 hard copies. The Policy is available on the Diocesan Website. A user friendly flyer is also available.

The policy states that it is the subject of review every three years but following a recent audit by the NBSCCC it will be reviewed on an annual basis.

The matter of reporting to the civil authorities is dealt with in Standard 2 Reporting Procedures.

There is one omission in the Policy that is required by the NBSCCC Standards. This standard requires the policy to state:

- How those individuals who pose a risk to children are managed

This matter is not addressed in the Diocesan policy document and it is recommended that the Diocese:

- Develop a policy on the management of individuals who pose a risk to children;

## **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

There are clear safeguarding procedures set out in Section 5 of the Policy. These include:

- Record keeping
- Recruitment and oversight and support of leaders
- Vetting
- Physical safety
- Complaints procedure; and
- Breaches of Code of Conduct by young person
- Procedures to ensure best practice; and
- Role of the Local Safeguarding Representative

Procedures for Responding to and reporting child protection concerns, allegations and disclosures are set out in the policy. These are consistent with legislation on child welfare and civil guidance for child protection and written in a clear and easily understood way. The Policy is available in every parish in the Diocese. It is also available on the Diocesan Website. Every parent/guardian receives a copy of the Safeguarding Children Flyer with a required consent form before a child can engage in Church activities. The Policy is available in English and ‘as Gaeilge’.

The Diocese has two trained Designated Persons in place. They are named in the Policy and on notices displayed in every church building. The role of the Designated Persons is outlined in the policy.

The Designated Persons use the HSE reporting form for recording and reporting incidents, concerns and referrals and follow the standards set by the NBSCCC for recording and storing information.

The Policy contains a section on the "Procedures to be followed if a parent/guardian has a complaint". The Policy also states that bullying of any form will not be tolerated. There is a Complaint Form in the Policy.

The policy contains a clear Confidentiality Statement and indicates that the only time information will be shared will be when a child protection concern arises.

All the criteria in relation to this standard have been met.

### **Standard 3: Preventing Harm to Children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The Policy document sets out the procedure for recruiting staff and volunteers who have access or contact with children, and assessing their suitability to work with children. There are several forms contained in the policy that all relevant personnel must fill out and there is a Garda Vetting Policy. All clergy and all local safeguarding representatives have undergone Garda vetting. The recruitment and vetting is in line with best practice.

There is a Code of Behaviour for leaders working with children and young people and a Code of Behaviour for children contained in the Policy. This is supplemented by an anti-bullying policy.

This standard has a criterion that states there are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other church personnel or volunteers (whistle-blowing), confidentially, if necessary. The diocese has a great deal of information on the reporting of abuse both internally and externally but none of this could be described as a whistle-blowing policy as described in this standard. The audit return indicated that in the course of training, all personnel who have contact with children, are urged to raise any concerns they may have. Anyone who is unhappy with the manner in which their concern is being handled is advised to refer it to the HSE or the NBSCCC. This advice is contained in the Policy.

This standard requires that there are processes for dealing with unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment. The policy sets out very briefly the procedure to be followed if a child/young person breaches the Code of Conduct. However, while it refers to agreed sanctions it is not explicit about the nature of these.

This standard requires that there is guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views. This is not covered specifically in the Policy.

This standard also states that there should be guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch. This is not covered in the Policy.

The Policy sets out clearly the requirements that must be met for “Trips away from home”.

Finally, the standard requires that guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation. This is not addressed in the Policy.

It is recommended that the Diocese:

- Addresses more clearly the issue of dealing with unacceptable behaviour
- Develops a whistle-blowing policy
- Develops an equality policy
- Develops guidelines on the personal/intimate care of children with disabilities
- Develops guidelines on the use of Information Technology

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

The Diocese’s commitment to training is set out in the Policy. All new staff and volunteers receive training or induction training as required.

The Diocesan Safeguarding Committee provides regular induction training, which includes awareness raising, details of the Diocesan Safeguarding Policy and information on reporting concerns.

The Policy contains information on the various types of abuse, and volunteers and staff receive guidelines for ‘Responding to a child on the disclosure of abuse’.

The Diocesan Child Safeguarding Committee provides ongoing Safeguarding Awareness Raising and Training that has three fully trained and accredited Keep Safe Trainers. The Diocese has developed a three-hour Awareness Raising and Training module for all volunteers in conjunction with the HSE West.

Both the Designated Persons have received specialised training from the HSE and the NBSCCC. The advisers for accused personnel and support persons for complainants have also received training from the NBSCCC.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's safeguarding message**

##### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The Diocesan Policy is displayed on posters in all church buildings. The complete policy is available on the Internet and in hard copy in all parishes. A summary flyer is available in the porches of all churches.

Leaders are urged to regularly inform children in their care to report if they feel unhappy at how they are treated. The Children's Code of Behaviour is displayed in places where children gather.

Prior to the development of the first Diocesan Child Protection Policy a Diocesan consultation with children and young people was commissioned. The Diocesan Youth Council regularly reviews the current policy and feedback to the Diocesan Safeguarding Committee.

All policy documents and notices give the contact details of the HSE and An Garda Síochána and the diocesan Support Person also makes this information available.

Before publication of the Policy, parish groups, parents and young people read it. The Children's Code of Conduct was written specifically for children and is available in English and "As Gaeilge."

Everyone in the Church organisation knows who the designated person is and how to contact them. This is done through information placed on the notice board in each church and all the publicity material.

The Diocesan Safeguarding Committee holds an annual gathering of all local Safeguarding Representatives. This meeting provides an opportunity for the Committee to assess how the policy is working and to offer support where needed.

All the criteria in relation to this standard have been met.

#### **Standard 6: Access to advice and support**

##### **Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

##### **Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This standard requires that church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. Both the designated

persons have received training from HSE and NBSCCC. They have established close links with the HSE and An Garda Síochána.

The diocese has established bi-annual interagency meetings that include the HSE, An Garda Síochána and the diocese. This is a follow-up to the Ferns Report.

The return for the Audit indicates that trained advisers are made available to all accused personnel and support persons are offered to all complainants. This standard requires that there is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers. While the Policy sets out how to respond to allegations there is nothing to indicate what support mechanisms are in place.

There is no information provided to those who have experienced abuse on how to seek support.

Finally, this standard requires that appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children's safety. The Policy does not address this issue.

It is recommended that the Diocese:

- Explains the support mechanisms available to those making complaints or allegations of abuse;
- Provides information to the public in its poster about the availability of counselling services; and
- Explains the support arrangements for personnel who have been accused of abuse.

#### **Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

This standard requires that there is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed. While the Diocese has a Policy Document dealing with many issues contained in the Standards issued by the NBSCCC it does not have a written plan as outlined above. The Diocese has indicated that the Diocesan Safeguarding Committee will undertake a parish-by-parish Safeguarding Audit every two years. The most recent took place in 2010. The Committee offers support and advice where needed.



The Diocese has indicated that it is committed to providing both financial and personnel support to the Safeguarding Committee to ensure that it functions well.

Local Safeguarding Representatives consult with parents and children and provide feedback annually to the Diocesan Safeguarding Committee.

All incidents, allegations/suspicions of abuse are recorded and stored securely.

It is recommended that the Diocese:

- Develops a written plan to deal with the implementation and monitoring of the standards.

## ALLEGATIONS

Allegations included in the diocesan returns that fall within the remit of this audit	
Notified to diocese by HSE	2
Notified to diocese by AGS	1
Could not be categorised/analysed	1
Reporting duration could be categorised/analysed	17
Total	21
Allegations against deceased priests	10
Overall Total	31

Table 5.23.1: Summary of allegations data provided by diocese

### Quality of allegations information returned by diocese

One allegation, notified to the diocese during the Framework period, could not be analysed because cross-referencing was inconclusive.

### Analysis of the time taken by the diocese to report allegations

Improvements were found over time in the speed of reporting to the civil authorities. The time taken to make reports of 12 allegations, all during the Framework period did not comply with the expectation of that guidance. However the three allegations notified to the diocese during the Safeguarding period were reported with immediacy.

## Reporting Period

Time taken by diocese to report the allegation to HSE or Gardaí	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	1	1	-	3	4
4 to 7 days	1	-	-	-	0
1 week to 1 month	2	1	-	-	1
1 month to 1 year	-	1	-	-	1
1 to 5 years	-	-	-	-	0
5 to 10 years	3	2	-	-	2
10+ years	-	-	-	-	0
Not reported	2	-	-	-	0
Total	9	5	-	3	8

Table 5.23.2: Time taken by diocese to report allegations by Church guidance period

### Commentary by the diocese for timescales in reporting to the civil authorities

Two allegations against a priest subsequently convicted of child sexual abuse were not reported and the reason given was that they had been notified to the diocese prior to the issuing of Church guidance. (The diocese has since submitted that in 1995 the Gardaí were made aware by college authorities, with the knowledge of the then Archbishop, of the existence of the two complainants in question.)

One allegation was reported to the HSE by the diocese but not to An Garda Síochána because *"Efforts to encourage complainant to come forward not successful."* The diocese has submitted that the threshold of "reasonable grounds for concern" was not reached at the time of the original complaint, but that the allegation was subsequently reported in 2010 on receipt of new information.

Two others were reported to the HSE some nine years after receipt by the diocese but not to An Garda Síochána. These explanations were eminently understandable: in one instance the complainant had notified An Garda Síochána directly and the diocese never received details of the case, and in the other that there was not enough information. (In the latter case it is certainly arguable that the threshold of "reasonable grounds" was never reached.)

No cogent reason was provided in respect of three (25%) of the 12 allegations which were not reported with immediacy. In two of these cases reporting took more than one year. They were notified prior to Church guidance and reported the year before the Framework document became operational. One Framework-period allegation took between one week and one month to be reported because "it took a few weeks to organise meetings to establish sufficient facts to determine if there was an allegation". Two other allegations made during the Framework period

were not reported due to the diocese not having specific details in relation to one, and in the other, the complainant went directly to An Garda Síochána.

### Distribution of allegations by individual priest

10 priests had allegations made against them in this diocese.

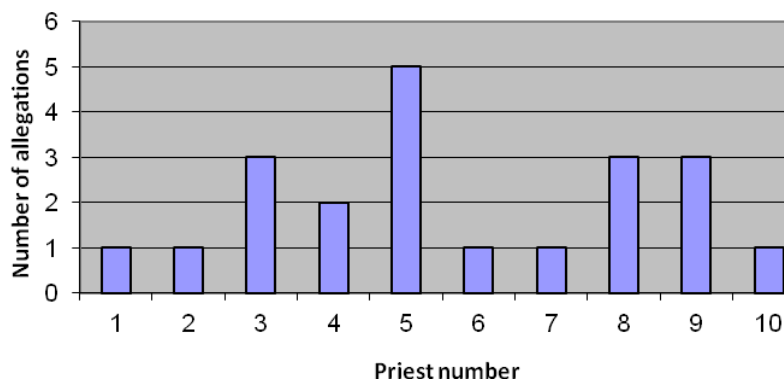


Chart 5.23.4: Distribution of allegations by priest

No priest currently ministering in the diocese has had an allegation against him. The ministry status of priests that have had allegations made against them is set out in the table below:

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	-	-
Out of Ministry	8	18
No longer in the clerical state	1	3
Other	-	-
TOTAL	9	21

Table 5.23.5: Number of allegations by priest ministry status

Two priests in the diocese have been convicted of child sexual abuse according to the diocesan returns.

### Deceased priests

Ten allegations have been made against nine deceased priests.

### Conclusion

Data quality in this diocese was acceptable with complete dates provided in almost all cases. While there were varying time taken reporting allegations in the past, most of these occurred prior to the Framework period and the three allegations notified during the Safeguarding period were promptly reported to the civil authorities. The improvement in practice in the diocese are substantial and have been sustained.

## 24. WATERFORD & LISMORE

The diocese of Waterford & Lismore includes County Waterford and part of Counties Tipperary and Cork. There are 45 parishes and 85 churches in the diocese. The Catholic population is 150,643. The Bishop of Waterford & Lismore is Bishop William Lee.

### Policies & Procedures

#### Standard1: A written policy on keeping children safe

**Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.**

The most recent child protection policy for this diocese, which has been approved by the Bishop, was produced in 2010. It is published in booklet form and is available on the diocesan website. The Policy and Procedures have been approved by the National Board for Safeguarding Children in the Catholic Church (NBSCCC) and a member of staff from the National Board launched it in September 2010. All parishes have one or two safeguarding representatives whose task is the promotion of the diocesan policy on an ongoing basis. Information on safeguarding children is also published in Parish Newsletters and various local handouts. While the policy states that all in the diocese are committed to putting procedures in place to safeguard children in church activities it does not state explicitly that all church personnel are required to comply with it.

The diocesan policy does not state that it will be reviewed on a regular basis or adapted when there is significant change in the Church or legislation. However, in the response to the audit the diocese indicated that the policy would be reviewed in 2013.

The Policy addresses child protection in the different aspects of church work. However, there are two important criteria in this standard that are not addressed. These are:

- The policy states that all church personnel are required to comply with it
- The policy states how those individuals who pose a risk to children are managed.

It is recommended that the diocese:

- Makes a clear statement in the Policy that all personnel are required to comply with the policy and they all sign an acceptance form to that effect
- Ensures that the policy addresses the issue of the management of those who pose a risk to children.

## **Standard 2: Procedures – how to respond to child protection allegations and suspicions**

**Children have a right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities**

There is a brief section on Reporting Procedures within the Diocesan Policy although this could not be described as providing step-by-step guidance on what action to take. It does state that the diocesan designated officer will inform the Bishop and the civil authorities immediately.

The diocese has appointed a designated person who has responsibility to receive information where it is alleged or suspected that a child is or has been abused by any member of the Church, including volunteers. The role of the designated officer is set out in the Policy. There is Child Protection Recording Form in use that is consistent with the Resource Document in the Standards.

One of the criteria in this standard is that there is process for recording incidents, allegations and suspicions and referrals and storing these securely, so that confidential information is protected and complies with relevant legislation. The Policy is silent on this but the audit return indicated that these records are stored securely in a designated safe at Bishop's House.

Another criterion is that there is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.

The audit return indicated that, for all complaints not involving allegations of abuse, a short complaints procedure is currently being drafted for insertion in the Policy.

The section on Confidentiality in the Policy appears to relate to the sharing of information and does not deal with the issue of those reporting allegations or concerns.

There are a number of issues that need to be addressed in this section of the Policy. It is recommended that the diocese:

- Reviews the reporting procedures to provide a more detailed guide to this matter.
- Indicates what the arrangements are for the storage of files and information.
- Addresses more fully the issue of Confidentiality and revises the policy accordingly.

### **Standard 3: Preventing harm to children**

**Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.**

The Recruitment Process for personnel is set out in the Policy document. All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded.

The Policy provides guidance on appropriate/expected standards of behaviour of adults towards children through a Code of Conduct that all persons working with children must sign and adhere to. Failure to adhere to the Code by either staff or volunteers is treated as a serious matter with consequences that are clear and linked to the diocesan disciplinary and grievance procedure.

The Policy also contains a Code of Conduct for Children and Young People that they must sign an Anti-Bullying Policy. Sample Codes of Conduct for children were provided for specific purposes e.g. Altar Servers and Children's Liturgy Group. The latter was drawn up in consultation with children and parents. The brief anti-bullying policy only contains some examples of bullying and it is expected that children and young people will be consulted about drawing up an all-inclusive anti-bullying policy.

This standard states that there should be clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (whistle-blowing), confidentially, if necessary. The diocesan Policy does not address this issue but the return for the Audit indicated that such concerns could be raised with the Diocesan Coordinator for Safeguarding Children or with the civil authorities whose contact details are on open display in every parish church. When children are inducted into particular Church activities they are

informed, in language they can understand, of people with whom they can raise concerns about unacceptable behaviour of other children.

A criterion within this standard expects that there will be processes for dealing with unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment. This matter is dealt with in the training of Parish Safeguarding Representatives. The approach adopted is that children are listened to following which there is a discussion with parents/guardians. With the latter's consent; the possibility of an apology or reconciliation is explored with the children. Abusive behaviour is reported to the civil authorities.

There are a number of criteria in this standard that are not fully addressed in the Policy. These are:

- Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views
- Policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch
- There is guidance on assessing all possible risks when working with children, especially in activities that involve time spent away from home
- Guidelines exist for the appropriate use of information technology (such as mobile phones, email, digital cameras, websites, internet) to make sure that children are not put in danger and exposed to abuse and exploitation.

It is recommended that the Diocese:

- Develops an equality policy to address discriminatory issues
- Develops guidelines on personal/intimate care of children
- Provides guidance on the assessment of risk (the Guidelines for Trips Away From Home state that a risk assessment should be carried out in advance)
- Expand its guidance on Computer Use to include all forms of Information Technology.

#### **Standard 4: Training and Education**

**All Church personnel should be offered training in child protection to maintain high standards and good practice.**

All Church personnel who work directly with children are inducted into the Church's policy and procedures on child protection when they begin working within Church. All Parish Safeguarding Representatives are trained in child safeguarding policy and procedures and attend training sessions on a regular basis. They then relay this information to staff and volunteers at parish information meetings. Training for Church sacristans is being organized and will take place during 2012.

The Designated Person, members of the Committee for Safeguarding Children, the Diocesan Coordinator for Safeguarding Children and the Diocesan Safeguarding Trainers attend in-service training days conducted by the NBSCCC.

There is a staff development programme in place for Parish Safeguarding Representatives. The Diocesan Coordinator for Safeguarding Children supports this along with members of the Safeguarding Committee. The most recent training event was held in October 2011. During the last three years the designated person has attended a number of training sessions organised by the NBSCCC on a variety of topics.

The Diocesan Policy provides written guidance on Recruitment Procedures that must be adhered to when selecting staff and volunteers. A module of the new Training for Parish Safeguarding Representatives produced by the NBSCCC deals with safe recruitment and this training programme is ready for distribution.

All the criteria in relation to this standard have been met.

#### **Standard 5: Communicating the Church's Safeguarding Message**

##### **Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church**

The child protection policy is openly displayed and available to everyone through the Diocesan Policy booklet, the diocesan website and in parish churches.

When children and young people are inducted in any Church activity they are made aware of the existence of both the Child Protection Policy and the Diocesan Policy Statement including contact details and their relevance to them. It is also explained that children should speak to someone they trust if they have concerns. They are told that they should not keep secrets.

Children and young people are actively involved in drawing up some protocols at parish level.

The Diocesan Policy does not contain a section on a communications policy but the Policy Document, the Diocesan website and other publicity material demonstrate a commitment to openness and transparency. Contact details for the HSE and An Garda Síochána are available in all these documents.



It is recommended that:

- The diocese develops a communication strategy that would provide a coherent approach to communicating the safeguarding message.
- Contact details for services and other agencies providing help, support and advice should be contained in the Policy and other publicity material.

#### **Standard 6: Access to Advice and Support**

**Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives**

**Those who have harmed others should be helped to face up the reality of abuse, as well as being assisted in healing.**

This standard requires Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection. The diocesan Policy does not deal with this issue but the audit return indicated that key personnel have access to advice, training and support from the staff NBSCCC. There are also links with the HSE and a Child Sexual Abuse Centre.

There are three other criteria in this standard that are not addressed. These are:

- There is guidance on how to respond to and support a child who is suspected to have been abused, whether that abuse is by someone within the Church or in the community, including family members or peers
- Information is provided to those who have experienced abuse on how to seek support
- Appropriate support should be provided to those who have perpetrated abuse to help them to face up to the reality of abuse, as well as to promote healing and reconciliation in a manner which does not compromise children's safety.

It is recommended that the Diocese:

- Develops comprehensive guidance on how to respond to and support a child who has been abused.
- Provides a more detailed information pack for those who have experienced abuse
- Develops an appropriate support arrangement for those who have perpetrated abuse

**Standard 7: Implementing and Monitoring the Standards**

**To keep children safe, policies, procedures and plans have to be implemented across all church organisations. Checks are needed to ensure that this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measure taken.**

Although the diocese did not submit any written plans indicating how it would monitor the implementation of its child safeguarding policy across the diocese, the Diocesan Committee for Safeguarding does have a commitment to do this.

The diocese indicates that the Policy shows what steps are taken to safeguard children and who is responsible.

The Diocesan Committee for Safeguarding, the Diocesan Coordinator for Safeguarding Children and the diocesan trainers supply all necessary resources to both clergy and Parish Safeguarding Representatives. Financial support from the diocese is always available as and when required.

The Diocesan Committee for Safeguarding Children meets every six weeks and part of its remit is to be aware of changing needs, changes in legislation and guidance and organisational experience. It is also the role of this Committee to monitor compliance with child protection policy and procedures. Its role is focused primarily on creating, maintaining and monitoring a safe environment for children in all aspects of Church life and advising on the human resources required for implementing best practice across services.

There are processes in place to ask parishioners (children and parents/carers) about their views on policies and practices for keeping children safe. This is carried out at Parish level and is related to specific activities.

There are plans in place to evaluate the effectiveness of the safeguarding measures. Beginning in February 2012, members of the Diocesan Committee for Safeguarding Children along with the Diocesan Coordinator for Safeguarding Children will attend meetings of staff and volunteers in Pastoral Areas. These meetings will evaluate the effectiveness of the safeguarding measures. Staff and volunteers are completing a self-audit form.

It is recommended that the diocese:

- Develops a written plan for the implementation and monitoring of the policies and procedures.

**ALLEGATIONS**

<b>Allegations included in the diocesan returns that fall within the remit of this audit</b>	
<b>Notified to diocese by HSE</b>	<b>2</b>
<b>Notified to diocese by AGS</b>	<b>1</b>
<b>Could not be categorised/analysed</b>	<b>5</b>

<b>Reporting duration could be categorised/analysed</b>	<b>14</b>
Total	22
Allegations against deceased priests	2
Overall Total	24

Table 5.24.1: Summary of allegations data provided by diocese

### Quality of allegations information returned by diocese

The reporting dates for five allegations could not be deduced with a sufficient degree of certainty. In one case there was a discrepancy between the data provided by the diocese and the records of An Garda Síochána.

### Analysis of the time taken by the diocese to report allegations

The time taken by the diocese to report allegations during each reporting period is depicted in the chart below.

Time taken by diocese to report the allegation to HSE or Gardaí	Reporting Period				
	Pre-1996	Framework 1-Jan-1996 to 7-Dec-2005	Our Children, Our Church 8-Dec-2005 to 23-Feb-2009	Safeguarding 24-Feb-2009 to 31-Jul-2010	Total Allegations Post 1-Jan-1996
1-3 days	-	-	1	-	1
4 to 7 days	-	3	1	-	4
1 week to 1 month	-	-	1	-	1
1 month to 1 year	1	1	-	1	2
1 to 5 years	3	2	-	-	2
5 to 10 years	-	-	-	-	0
10+ years	-	-	-	-	0
Not reported	-	-	-	-	0
<b>Total</b>	<b>4</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>10</b>

Table 5.24.2 Time taken by diocese to report allegations by Church guidance period

One allegation, notified during the Our Children Our Church reporting period, was reported within 1 to 3 days. The single allegation that was notified to the diocese during the Safeguarding period took just over one month to be reported because of attempts to seek the prior cooperation of the adult complainant.

Audit Questionnaire Appendix A, issued in 2006 and 2009, included the question:

*“In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Garda Síochána (\*) without delay, that is within the next working day?”*

The diocese responded “Yes” to that question and stated that:

*“Where it is known or suspected that a child has, or is being, sexually abused by a Priest or Religious, the matter is reported to the HSE and/or An Garda Síochána in keeping with Children First. The document Safeguarding Children – Standards and Guidance Document for the Catholic Church in Ireland operates on the same principle, namely that, where it is known or suspected that a child has, or is being, sexually abused by a Priest or Religious, the matter is reported to the relevant statutory authorities without delay”.*

Three allegations were reported initially to An Garda Síochána but mistakenly not to the HSE until a number of years later. This was because of the belief that *“once they were reported to the Gardaí, the Gardaí would pass the information on to the Health Board/HSE.”* An assurance in this regard was provided by An Garda Síochána to the diocesan delegate.

### **Commentary by the diocese for timescales in reporting to the civil authorities**

For all allegations there was a clear rationale underpinning the reasons for the time taken to make reports. It was said that one allegation did not seem credible initially, that another was made prior to Church guidance being in place at the time or in another that it took time to establish contact with the complainant.

All four allegations notified prior to Church guidance were reported to An Garda Síochána late in 1995, just prior to the introduction of the Framework document.

Four self-disclosures and one allegation were made in relation to one priest who is out of ministry. The self-disclosures were notified to the bishop prior to the Framework period. They represent four of the allegations that were not analysable because of incomplete dates. The priest was stood down from ministry and sent for assessment and treatment abroad. Some years later an allegation was made about the same priest during the Framework period. This was not reported for over two years as the complainant *“did not wish to pursue the matter with the civil authorities”*. The priest in question was then out of ministry and had no contact with children in his employment. The diocese has submitted that this was because the local Chief Superintendent had previously informed the diocese that *“where a complainant did not wish to make a statement to the Gardaí, then they (the Gardaí) did not wish to know about the case”*.

### **Distribution of allegations by individual priest**

11 priests in this diocese had allegations made against them. As can be seen from the chart below, two priests accounted for 45% of these. Over half of the accused priests had a single allegation made against each.

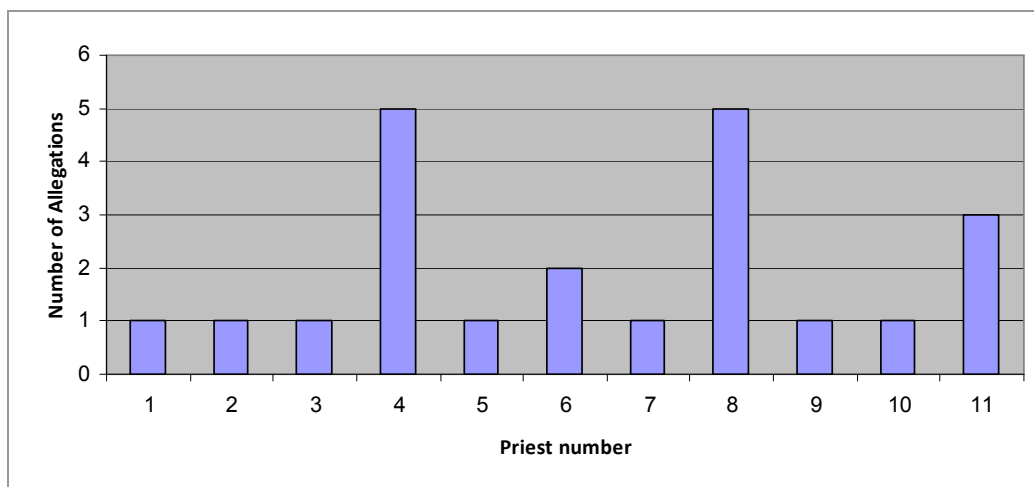


Chart 5.24.4: Distribution of allegations by priest

Three priests in ministry have had an allegation made against each. Two of the priests were risk assessed and were deemed “*fit for ministry*” and “*did not pose a risk to children*” respectively. The allegation in relation to the third priest in ministry was abrogated by the complainant. The ministry status of priests that have had allegations made against them is set out in the table below. (The diocese has since submitted that one of the accused priests who was out of ministry is now no longer in the clerical state.)

Priest ministry status	Number of accused priests	Number of allegations
In Ministry	3	3
Out of Ministry	8	19
No longer in the clerical state	-	-
Other	-	-
TOTAL	11	22

Table 5.24.5: Number of allegations by priest ministry status

The diocesan audit returns indicate that no priest in this diocese has been convicted of child sexual abuse.

### Deceased priests

Two allegations were made against a deceased priest.

### Conclusion

Data quality in this diocese was good. Overall there appears to have been a proactive approach by the diocese as evidenced by the reporting of some allegations prior to the issuing of Church guidance and the seeking of risk assessments in some cases at that time. The records provided were of good quality. Contemporaneous letters were supplied indicating that retrospective notifications

of allegations were made to the HSE at various stages, even though the diocese had already notified the cases to An Garda Síochána.

## 6. RECOMMENDATIONS

### **Recommendation 1 – Referrals to the Commission of Investigation**

This report has clearly highlighted significant weaknesses in a number of dioceses in the State in the area of child protection. Three dioceses have already been examined in detail by State Inquiries (Ferns, Dublin and Cloyne). The reports into these dioceses have fulfilled an important and necessary function of ascertaining how allegations of child sexual abuse were handled in the past in these dioceses and whether the dioceses followed Church guidance in the area.

This audit has found that all dioceses have made significant improvements in their safeguarding arrangements since the issue of the Standards and Guidance document by the National Board. However, there is considerable variation in the approaches adopted by diocese. Some can be seen as models of best practice but there are some deficiencies in some dioceses which need to be rectified if they are to aspire to full implementation of the Standards and Guidance.

The deficiencies in the dioceses that have been highlighted by the audit must be addressed and the protection of children today must be a priority. Therefore, this report recommends that the State applies its resources to intervene and work with all dioceses in a systematic way to address the shortcomings outlined. This recommendation might be achieved by the State putting all necessary

resources in place to achieve closer monitoring by the State of dioceses. This would include a requirement for them to report regularly on matters such as the progress being made in achieving an acceptable standard of compliance with agreed safeguarding standards and practices, as well as a requirement to report on the number of allegations made and the actions taken by the Church in relation to each. An initial 'hands-on' approach of proportionate intervention on the part of the State is envisaged until such time as there has been a substantial and demonstrable improvement in child protection practices across all dioceses. It is also recommended that Church resources be devoted to this developmental activity.

## **Recommendation 2 – Immediate actions for attention of NSBCCC**

This report highlighted a number of criteria which were found not to have been fully complied with by a number of dioceses. This report recommends that the NSBCCC continues its work with the dioceses to ensure that these criteria are fully satisfied to an adequate standard by all dioceses. The criteria that should be prioritised by the NSBCCC in this regard are:

- 1.6 - The policy states how those individuals who pose a risk to children are managed.
- 2.1 - There are clear child protection procedures in all Church organisations that provide step by step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current).
- 2.5 There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint
- 3.6 - There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers ('whistle-blowing'), confidentially if necessary
- 3.8 Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views
- 3.9 - Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.
- 3.12 Guidelines exist for appropriate use of information technology (such as mobile phones, email, digital cameras, websites, the internet) to make sure that children are not put in danger and exposed to abuse and exploitation
- 6.3 - There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers.

7.1 - There is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed.

### **Recommendation 3 – A single child protection policy for all dioceses**

This report recommends that in the longer term a single child protection policy should be provided for all dioceses and maintained by a central body such as the NBSCCC. All dioceses would sign-up to and commit to following such a policy and procedure. This report recommends that the NBSCCC should have a stronger role in assisting dioceses to implement the policy and establishing the requisite diocesan structures. The position in England and Wales is cited as an example in this regard. The National Catholic Safeguarding Commission (NCSC) is responsible for setting the strategic direction of the Safeguarding Policy for Children and Vulnerable Adults, and for monitoring compliance in the Catholic Church in England and Wales (<http://www.csas.uk.net>). The NCSC also sets and directs the work of the Catholic Safeguarding Advisory Service (CSAS) which was established to drive forward improvement in practice and the primary role of which is one of co-ordination, advice and support in respect of the wider job of safeguarding children, young people and vulnerable adults. The procedures of the CSAS are available on <http://www.csasprocedures.uk.net>. The website contains a web-based manual of child protection policies, procedures, reporting forms and flowcharts. These are designed to be compatible with and to satisfy the requisite provisions of canon law. The website includes procedures for responding to allegations and extensive advice on independent risk assessments and when such assessments should be carried out.

A key objective of a structure such as that outlined above would result in the satisfactory implementation of those criteria that were found in this report to have been inadequately addressed by dioceses. In addition to those criteria outlined in recommendation two above, this would include for example:

- Guidelines on the appropriate use of technology being put in place;
- Guidance provided on confidentiality and information sharing;
- Consistent child protection procedures for all dioceses that are written in a clear and understandable way that is consistent with legislation;
- Improved quality of record-keeping;
- Ensured safe and secure storage of allegations information;
- Adequate and consistent management of individuals who pose a risk to children;
- Processes being in place for asking parishioners and children about their views on practices for keeping children safe.

### **Recommendation 4 – Inter-agency strategy for the management of future allegations**

A strategy for the management of future allegations must be agreed between An Garda Síochána, HSE and dioceses. The current position is that An Garda Síochána does not inform a diocese when it is investigating an allegation, but does inform the HSE of the allegation. It is imperative that dioceses are advised of allegations so that they can appropriately manage the individual, particularly in relation to his/her access to children. Any legal impediments to such a strategy being put in place must be addressed to ensure the safety of children.



It is also recommended that appropriate inter-agency arrangements are put in place in all dioceses. The Catholic Church must endeavour to implement Children First 2011 in full. This strategy for the management of future allegations will serve to ensure that the civil authorities and the Church will have a clear unambiguous framework which will address the previously perceived existing impediments to reporting.

### **Recommendation 5 – Co-ordinated record-keeping system**

The cross-referencing exercise that was undertaken by this audit indicated that it is necessary for the records that are kept by the HSE, An Garda Síochána and dioceses on allegations of child sexual abuse by clergy to be revised to facilitate better co-ordination between all three parties. Allegations information held by the HSE are filed by complainant name, allegations information held by An Garda Síochána are filed by the name of the accused and there is no single system of record keeping in the dioceses. This rendered cross-referencing to be much more difficult than if a co-ordinated record-keeping system was in place.

### **Recommendation 6 – Extension of Safeguarding to vulnerable adults**

Examining the policies and procedures that are in place for the protection of vulnerable adults that are in contact with the Church was not part of the terms of reference of this report. However, there are similarities from a safeguarding perspective between vulnerable adults and children. This report recommends that the policies and procedures of the Church should be extended from the safeguarding of children to include the safeguarding of vulnerable adults who are in contact with the Church, including the elderly or persons with mental health and intellectual disabilities who live in care settings or in the community.

## **APPENDICES**

1. Letter from Minister for Children, Brian Lenihan T.D. to HSE, October 2005.
2. Letter from HSE to Catholic Bishops, November 2005.
3. Letter from Minister for Children, Brian Lenihan T.D. to HSE, November 2005.
4. Audit Questionnaire Appendix A.
5. Letter from HSE to Minister for Children, June 2006.
6. Letter from HSE to Minister for Children, October 2006.
7. Letter from HSE to Catholic Bishops, December 2006.
8. Letter from HSE to Minister for Children, May 2007.
9. Letter from HSE to Catholic Bishops, June 2007.
10. Letter (2) from HSE to Catholic Bishops, June 2007.
11. Letter from OMCYA to HSE, November 2007.
12. Letter from HSE to OMCYA, November 2007.
13. Letter from OMCYA to HSE, December 2007.
14. HSE Audit Report, December 2008.
15. Audit Questionnaire Section 5.
16. Letter from HSE to Catholic Bishops, July 2009.

17. Correspondence from HSE to OMCYA, November 2009.
18. Correspondence from OMCYA to HSE, December 2009.
19. Letter from HSE to Catholic Bishops, December 2009.
20. Section 5 verification document.
21. Safeguarding standards and criteria.
22. Letter from HSE to Catholic Bishops, December 2011.
23. Standards Compliance Update Questionnaire, December 2011.
24. Bibliography.
25. Map of dioceses.
26. Glossary



## **Appendix 1**

October, 2005.

Professor Brendan Drumm,  
Chief Executive Officer,  
Health Services Executive,  
Block D, 3<sup>rd</sup> Floor,  
Parkgate Street Business Centre,  
Parkgate Street,  
Dublin 7.

Dear Professor Drumm,

As you are aware, the report of the Inquiry into the handling of allegations of child sexual abuse in the diocese of Ferns was published on 25 October, 2005. At their meeting yesterday, the Government decided that I should write to the Irish Bishop's Conference seeking their confirmation individually and collectively that the Framework Guidelines of 1996 are in place and that the recommendations of the Inquiry will be implemented. The Government also decided that I should write to the HSE requesting you to liaise with individual bishops to ensure that the recommendations are being implemented.

One of the main recommendation in the report is that the inter-agency review group which has worked so effectively in the Diocese of Ferns for the past few years should be introduced in all areas. This group would comprise the Diocese, An Garda Síochána and the HSE and every suspicion or allegation of clerical child sexual abuse would be brought to the attention of the group. In line with the recommendations of the Inquiry, I would be most grateful if the HSE would undertake to convene the meetings of the Inter-Agency Review Group and to record and maintain its records. I am confident that this group will be an important mechanism in improving inter-agency communication so that children can be protected more effectively in the future.

I have written to the Irish Bishops Conference informing them of the Government Decision concerning the role of the HSE in ensuring compliance with the report's recommendations and requesting them to notify the HSE of current child protection practices in each diocese and the additional steps that the church authorities will be undertaking on foot of the report.

2

There are other recommendations contained in the report which are of importance to the Church. The main recommendations which refer to the Church authorities (and other organisations working with children) are attached.

I would also like to draw your attention to recommendation E6 which states that existing arrangements for joint investigation of suspected child sexual abuse cases should be more firmly established between An Garda Síochána and the HSE in order to ensure efficiency in outcome and sensitivity to victims. My officials will be in contact with you separately in regard to follow-up issues generally for the HSE and to consult you on the legislative recommendations which are being considered as a matter of urgency.

As this matter is one of such importance I would request that the HSE make contact with the individual bishops as a matter of urgency to commence an audit of child protection practices and compliance with the report's recommendations. Please report back to me as soon as possible after initial meetings have been held and liaison arrangements have been put in place. Thank you for your co-operation in putting in place these procedures to try to ensure that children will be protected more effectively in the future.

Yours sincerely,

---

Brian Lenihan, T.D.,  
Minister for Children.

3.

## Appendix 2

7<sup>th</sup> November 2005

Bishop X  
Address

Dear Rev X,

The Health Service Executive has been asked by the Government to liaise with individual bishops on the implementation of recommendations contained in the Ferns report and to arrange for an Audit of current child protection practices.

We are putting appropriate organisational arrangements in place to liaise with each diocese and to facilitate the requested audit. We will write further to you at an early date with details in this regard.

At this stage would you confirm the child protection practices you currently follow and that you will be complying with the recommendations in the Ferns report and also confirm what if any steps you have taken to date to implement these recommendations.

In the meantime I would appreciate if you could confirm that you would be available to liaise with the Health Service Executive on these matters and I would ask that you forward your contact details to this office at earliest opportunity.

Yours Sincerely



Aidan Browne,  
National Director,  
Primary, Community & Continuing Care Services



## Appendix 3

Professor Brendan Drumm  
Chief Executive Officer  
Health Services Executive  
Block D, Third Floor  
Parkgate Street Business Centre  
Parkgate St  
Dublin 7

9 November, 2005

Dear Professor Drumm

I refer to my letter of 26<sup>th</sup> October and to the decision by Government yesterday to set up a Statutory Commission of Investigation into the handling of child sexual abuse cases by the Dublin Archdiocese.

I enclose a copy of the Press Release and proposed terms of reference for the Commission. Please note points 7 and 8 which state:

"7. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious, Child Sexual Abuse: Framework for a Church Response (1996) and any subsequent similar document, the position in that diocese.

8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report delivered to the Minister for Health and Children on 25 October, 2005, the position in that diocese."

These provisions provide an express link between my earlier request to you to commence an audit of child protection practice and compliance with the Fern's Report's recommendations in each diocese and the remit of the Commission. This provides an added urgency and importance to the audit function which the Government has entrusted to the HSE.

I have asked my Private Secretary Hugh Drumm to contact your office so that we can meet as soon as possible to discuss the progress to date by the HSE and planned follow up to this important issue. I very much appreciate your co-operation in

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4.

strengthening arrangements for the protection of children and look forward to meeting you shortly.

Yours sincerely

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Brian Lenihan, TD  
Minister for Children

## Appendix 4

## **Appendix A**

### **Audit of Catholic Church's Current Child Protection Policy, Practices and Procedures in compliance with Ferns Report Recommendation**

#### **1) Child Protection Policies and Procedures**

- 1.1 Does the Diocese operate a Child Protection Policy?  
Please furnish a copy of that policy with your response.

Yes ☐ No ☐

- 1.2 Has the above policy been sanctioned by the leadership of the Catholic Church and are all members of the Clergy bound by its procedures?

Yes ☐ No ☐

- 1.3 Are there any other Church policies / instructions which have any implications for the identification and processing of child sex abuse allegations?

Yes ☐ No ☐

If so please furnish a copy of all relevant documents

- 1.4 How is the policy disseminated locally and what measures are in place to ensure that the policy is brought to the attention of all personnel and members of the public who have contact with the Diocese on an ongoing basis?

- 1.5 What specific mechanisms are in place to ensure that all personnel of the Diocese are aware of and have implemented the Diocesan Child Protection Policy?

1.6 Please describe how your Diocese is going to implement the recommendations of the Ferns Report which refers specifically to the Church Authorities and is detailed above? Please provide indicative timescale.

1.7 Does the Diocese follow a specific set of guidelines, e.g. Child Sexual Abuse: Framework for a Church Response Guidelines, or Our Children Our Church, or Duty to Care?

Yes ☐ No ☐

If Yes, which one?

If No, what child protection procedures are in use

(please furnish a copy with your response if the procedures differ from the three identified above))

1.8 If it has not already done so, does the Diocese plan to implement Our Children Our Church: Child Protection Policies and Procedures for the Catholic Church in Ireland and in what timescale?

Yes ☐ No ☐

1.9 Who will ensure the implementation of the Child Protection Policies and Procedures contained in Our Children Our Church and will there be a review mechanism of their efficacy and within what timescale?

## 2) Procedures

2.1 In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Gardai Siochana (\*) without delay, that is within the next working day?

Yes ☐ No ☐

If no, why not? Please give a description of how the procedure in place operates.

- 2.2 Does the Diocese have a designated person to whom allegations or suspicions of child sexual abuse are reported?

Yes ☐ No ☐

Who is that person? What training or qualifications does this person have in relation to their role as the designated person? How exactly does this person relate to the Diocesan delegate?

- 2.3 Following an allegation of child sexual abuse what written records are kept and what procedures are followed in relation to same?

- 2.4 If reasonable grounds for concern exist in relation to an allegation of child sexual abuse what action is taken by the Diocese to protect children from possible sexual abuse by the alleged perpetrator?

- 2.5 What procedures are invoked in relation to an alleged abuser if an investigation by the HSE and/or An Gardaí Síochána determines that there is insufficient evidence for a prosecution but reasonable grounds for concern continue to exist?

- 2.6 If following an allegation of child sexual abuse it is determined that the alleged abuser should step aside or take administrative leave but adamantly refuses to do so, what procedures are followed?

- 2.7 What action is taken by the Diocese in relation to the alleged victim or victims when an allegation of sexual abuse has been made and reasonable grounds exist?
- 2.8 Following an allegation of sexual abuse what procedure is followed by the Diocese if the alleged victim or the alleged victim's parent(s) does not wish his/her name revealed to the HSE or An Garda Siochana (\*) ?
- 2.9 What norms and procedures exist in relation to the sharing of information between all the relevant parties such as the civil authorities, the alleged victim and the alleged perpetrator when an allegation of child sexual abuse has been made?

### 3) Training

- 3.1 Does the Diocese have a Child Protection Training Programme?

Yes ☐ No ☐

- 3.2 If yes please give a short description of the Training Programme. Please provide a copy of the Programme and please also specify who delivers the Programme?

- 3.3 Are all personnel in the Diocese required to attend the training programme?

Yes ☐ No ☐

And who do you consider personnel for this purpose?



- 3.4 Is the Training Programme consistent with the Keeping Safe Programme?  
(The Keeping Safe training programme is a modular programme developed by the Volunteer Development Agency designed to raise awareness on issues of child protection.

Yes ☐ No ☐

If 'no' what recognised model is the programme based on?

- 3.5 Does the Training Programme contain the main elements recommended in the Ferns Report i.e.  
The nature of child sexual abuse including the fact that it may be perpetrated by persons whose outward appearance is one of professionalism and respectability;

Yes ☐ No ☐

it's compulsiveness, meaning that an abuser is likely to re abuse,

Yes ☐ No ☐

the grave psychological damage caused to victims;

Yes ☐ No ☐

the difficulty in believing it and personal responsibilities in relation to it?

Yes ☐ No ☐

- 3.6 Does the training programme specifically address the personal responsibility of the staff in the Diocese working with Children of their obligation to report all allegations and suspicions of child sexual abuse to the Health Service Executive and An Garda Siochana (\*) to ensure the protection of Children?

Yes ☐ No ☐

- 3.7 Has the Diocese clear codes of conduct regulating the way in which inter-action with children should occur particularly in relation to those persons who have unsupervised access to Children?

Yes ☐ No ☐

If yes please supply copy.

#### 4) Structures

- 4.1 Describe the Child Protection Structures that the Diocese currently have in place and how these relate to the designated personnel for handling and receiving allegations and suspicions of child sexual abuse and referring to the HSE and/or An Garda Siochana (\*)? Please include a diagrammatic representation of the structure if possible?

- 4.2 Does the Diocese have a Child Protection Advisory Panel or a Child Protection Management Committee?

Yes ☐ No ☐

If yes how is this constituted in terms of membership, selection qualifications and experience for the role?

- 4.3 Does the Diocese have any other structure or personnel involved in Child Protection?

Yes ☐ No ☐

If yes please specify.

#### 5) Audit

- 5.1 Please provide, from your records, the number of complaints or allegations against individuals of child sexual abuse made to the Diocese and which have been brought to the attention of the civil authorities, that is, Health Boards/Health Service Executive and/or An Garda Siochana (\*). (please note that this question only requires a numeric answer e.g. Allegations against A = 2, allegations against B = 3, allegations against C = 1)

- 5.2 Have all complaints or allegations of child sexual abuse made to the Diocese been brought to the attention of the HSE and An Garda Siochana (\*)?

Yes ☐ No ☐

If no why not and who made the determination?

5.3 Can you confirm, from your records, the following:-

- (a) The number of Religious from the Diocese convicted for Child Sexual Abuse.
- (b) The number of Religious from the Diocese currently under investigation by the civil authorities for child sexual abuse.
- (c) The number of allegations of child sexual abuse against Religious from your Diocese investigated.
- (d) The number of child sexual abuse allegations made against Religious from the Diocese which were not deemed reportable to the civil authorities, and the reason why they were not deemed reportable.
- (e) The number of child sexual abuse allegations made against Religious from the Diocese for whom the allegation (s) have been deemed unfounded by the civil authorities?
- (f) By whom were they deemed unfounded in each case?
- (g) What monitoring arrangements if any are in place in respect of such Religious? concerning (a) to (f) above
- (h) Are there any allegations that you are aware of which are not being investigated by the Garda and/or the HSE?
- (i) In the event of an allegation of child abuse against a Religious proving to be unfounded, what steps are taken to restore that person's good name and reputation?

5.4 Please specify, from your records, the following in respect of Religious who have taken up ministry/retired /resided within the Diocese and who originally came from outside the Diocese.

- (a) The number of such Religious from the Diocese who have been convicted of child sexual abuse.
- (b) The number of such Religious from the Diocese currently under investigation by the civil authorities for child sexual abuse?
- (c) The number of child sexual abuse allegations made against these persons from the Diocese which were not deemed reportable to the civil authorities, and the reason why they were not deemed reportable in each case.

- (d) The number of child sexual allegations against such Religious where the allegation (s) of child sexual abuse has been deemed unfounded by the civil authorities?
- (e) By whom were they deemed unfounded in each case?
- (f) Are there any allegations that you are aware of which are not being or have not been investigated by the Garda and/or the HSE?

5.5 Please provide the following information:

- (a) The number of Religious who have left the Diocese and were the subject of allegations or suspicions or conviction of child sexual abuse?
- (b) The number of such Religious who have been convicted for child sexual abuse?
- (c) The number of such Religious currently under investigation for child sexual abuse?
- (d) The number of allegations of child sexual abuse against such Religious from your Diocese investigated but no conviction ensued.
- (e) The number of child sexual abuse allegations against such Religious where the allegation(s) of child sexual abuse has been deemed unfounded? In each case by whom were they deemed unfounded and who made the determination?
- (f) What monitoring arrangements are in place for Religious who have been convicted of child sexual abuse?
- (g) Are there any allegations that you are aware of which are not being (or have not been) investigated by the Garda and/or the HSE?

5.6 Are there any Religious from your Diocese who have stepped aside or are on administrative leave and are awaiting the outcome of an investigation into child sexual abuse? If yes how many and what are their living arrangements and what procedures are in place to monitor their potential risk to children in the local community? If such procedures are in place who is monitoring them?

Yes ☐ No ☐

(a) From your records, how many Religious from your Diocese, who were convicted for child sexual abuse or against whom there were allegations of child sexual abuse, have subsequently left the Diocese or have been laicised?

(b) In relation to (a) above how many convicted? How many not convicted but with allegations made against them?

(c) Do you know where these individuals currently reside?

Yes ☐ No ☐

(d) Are the HSE and/or An Garda Siochana ( <sup>\*</sup> ) aware of these persons' circumstances?

Yes ☐ No ☐

5.7 (a) Has the Diocese consulted with the HSE on treatment services the Diocese has used and currently uses for personnel when it is believed they have abused or are a risk to children?

Yes ☐ No ☐

(b) Please state what treatment services the Diocese currently uses in this regard including the name and location of such services?.

5.8 What support and/or services has the Diocese offered/provided to victims of sexual abuse and their families including any therapies that have been arranged and/or paid for?

## **6) Selection Procedures and Codes of Conduct**

6.1. What protocols or procedures are currently used by the Diocese to assess the suitability of Religious, and Lay Personnel to work with children from a child protection perspective?

6.2 What protocols or procedures, including vetting, are currently used by the Diocese from a child protection perspective to assess the suitability of candidates for the Diocese?

## **7) Other Observations or Comments**

7.1 Are there any other observations or comments you wish to make or to bring to the attention of the Health Service Executive as part of this audit?

<sup>\*</sup> For those Diocese with a Cross Border Dimension please state whether reports have been made to the Health Service Executive and/or An Garda Siochana or to Health & Social Services Trusts and/or Police Service Northern Ireland or all agencies.

Signed .....  
Bishop

Date .....

## **APPENDIX B**

### **Recommendations from Ferns Report Referred to in Minister Lenihan's letter to Archbishop Sean Brady of October 2005**

- F5. The Church Authority must have proper management systems and processes to ensure that their priests are performing effectively and safely and are supported in their development and work within the community.
- F6. Appointment of managers of national schools which is at the discretion of the Bishop should be made with the utmost care and diligence.
- F7. All organisations including the Catholic Church, whose operations bring their employees into unsupervised contact with children should ensure proper systems are in place to protect children from abuse from employees.
- F8. Organisations engaged in working with children at any level must be alert and have systems in place which allow them deal with any problems immediately.
- F9. Organisations and employees who work with children should have clear norms of behaviour regulating the way in which interaction with children should occur.
- F10. The community can co-operate in tackling this heinous crime by reporting relevant information to An Gardaí Síochána and to those exercising authority or control over the alleged or suspected abuser i.e. the Bishop of the Diocese in relation to priests.
- F11. Information must be maintained and transmitted to the appropriate authority.
- F12. Every effort should be made to encourage victims of child sexual abuse to come forward and invoke the legal process.

- F13. One of the principal lessons learned from the enquiry is that child abuse may be perpetrated by people of apparent charm, intelligence and high repute. Frequently it is the respect in which the abuser is held which affords the opportunity of perpetrating the crime and protects him from subsequent detection.
- F15. The Diocese and every organisation exercising control over persons having unsupervised access to children must educate their priests and members to understand their personal responsibility (including reporting their concerns or suspicions) to ensure the protection of children.
- G3. The Diocese and any organisation which employs, qualifies or appoints persons to positions of significant unsupervised access to children should have a code of conduct dealing with interacting with young people.
- G4. Formal channels for reporting complaints should exist in each organisation.
- G6. Bishops should be supported by management training.

Signed .....  
Bishop

Date .....



## **Appendix 5**

**15<sup>th</sup> June 2006**

Minister Brian Lenihan  
Department of Health & Children  
Hawkins House  
Dublin 2

Dear Minister Lenihan,

I wish to advise you of the steps the HSE has taken on foot of your correspondence of 26<sup>th</sup> October 2005 and to update you on our progress in relation to the implementation of the Ferns Inquiry recommendations as they relate to the HSE.

I am pleased to report that on receipt of your letter we set up a National Steering Committee and appointed a Project Manager. The committee was charged with addressing all recommendations requiring action by HSE and set about its business by forming five project teams to address:

- 1) Publicity Campaign
- 2) Review of Children First
- 3) Treatment Services for Children and Families
- 4) Treatment Services for Abusers
- 5) Inter-Agency Committee and Audit of Church Child Protection Practices and compliance with the reports recommendations.

Substantive progress has been made and our Ferns Governance arrangements are robust. The Working Party on the publicity campaign has additionally sought evidence of international best practice in relation to centralised intake systems and is proactively considering capacity issues within the HSE to respond to the anticipated demand any campaign is likely to engender. Our internal review of Children First in the light of our implementation experience is being conducted in conjunction with liaison with your own Office's review. An analysis of current service provision for counselling services for the abused and abusers is in the process of evaluating and identifying the requisite services required and need for service provision.

The HSE has convened and chairs a National Inter-Agency Committee comprising of Church Representatives and Gardai which meets on a regular basis to work through the issues and to improve communication between our respective organisations. Senior HSE Staff, namely Child Care Managers have been designated to liaise with Bishops on a diocesan basis and, as you requested, have made contact with the bishops advising them of their support and advice. We have also secured the Diocesan representatives and Gardai nominations to populate the local inter agency committee. So as for the membership of the committees we are virtually there except for Congregation of Religious of Ireland (CORI) and the Irish Missionary Union (IMU) who are seeking to identify representatives as they are not locally managed within Diocese.

The challenge we face is in the function of the inter agency committees as requested by the Ferns Report. We have encountered significant legal impediments to establishing inter-agency committees as envisaged by the Ferns Inquiry Recommendations.

At an early stage Departmental guidance was sought in respect of legal issues identified by our own staff, Church authorities and the gardai. In particular the risk that any discussion of alleged abuse in which no formal complaint has been made and without reference to the alleged abuser will be seen as a breach of natural justice. In addition the proposed requirement that the Inter-Agency Committee note and record all allegations of abuse even where they are demonstrably untrue or made by persons known not to be credible was likely to give rise to additional legal problems.

Subsequently the HSE sought independent legal advice from senior counsel which was shared with the Department. In essence that advice was that the proposed work of the committees could not be undertaken by the HSE in the absence of a clear legislative basis without exposing the HSE and the other agencies to legal liability. As a development of this point it is of course open to yourself Minister, if you do not wish to introduce statutory change to provide the framework to do this work by indemnifying all parties in respect of legal action. Unfortunately I have to advise that at this juncture it would therefore appear that legally the HSE is not in a position to establish inter-agency committees as envisaged by the Ferns Inquiry and I would welcome your further advisement on this matter.

In relation to the Audit of Church Child Protection Policies and Procedures and Church compliance with Ferns Inquiry Recommendations a draft audit tool is under active consideration by the HSE and Departmental Officials and will be finalised shortly. Independent evaluation of audit proposals was sought by departmental officials and clarifications sought and recommendations made have been incorporated in the audit tool and it is envisaged that the actual audit process will be instigated in the very near future. Designated Child Care Managers have been assigned to individual bishops in this regard.

In conclusion I wish to assure you of the HSE's commitment to improving safeguarding and protective measures in relation to Children and Young People and our willingness to engagement with all parties in pursuit of this objective. Unfortunately the Ferns roadmap to achieving this end may well have to be substantially modified in the light of legal restraints identified and indeed my officials have made proposals to your Department in this regard. I would be obliged if you would further consider these matters and advise me accordingly.

Yours sincerely

---

**Professor Brendan Drumm**

**Chief Executive Officer**

## **Appendix 6**

*SECOND UPDATE BY HSE OF THE AUDIT OF CATHOLIC DIOCESES*

*Posted 15/10/06 from  
CEO's office*



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the CEO  
Health Service Executive  
Block D, Parkgate Business Centre  
Parkgate St  
Dublin 8

Tel: 01 635 2506  
Fax: 01 635 2899

12<sup>th</sup> October 2006

Minister Brian Lenihan  
Dail Eireann  
Kildare Street  
Dublin 2

Dear Minister Lenihan

I am mindful that it will be a year on the 25<sup>th</sup> October since the publication of the Ferns report. As you know the HSE has been working on the recommendations since that date. You may recall my letter of 13<sup>th</sup> June 2006 in respect of HSE implementation of the Ferns Inquiry Recommendations which was intended to update you at the time on our progress. Given the anniversary of the publication of the report is this month I would like to take this opportunity to further advise you of developments in the intervening period.

As you are aware the HSE is advancing the recommendations under the aegis of a National Steering Committee and the process is being advanced by five project teams. The Inter-Agency Committee and Audit of Church Child Protection Practices project team has, following detailed consultation with your own Department, recently finalised the Audit Tool which will shortly be issued to individual bishops and provincials across the country. Both the HSE and An Garda Síochána have designated personnel at senior level to liaise with individual bishops at a diocesan level in relation to this process. Our plan is that, on receipt of the completed audit questionnaire, the HSE will convene Diocesan Inter-Agency Committees to evaluate responses and address any issues or concerns that may have arisen. Simultaneously an audit of Religious Orders under the auspices of Irish Missionary Union and Congregation of Religious Institutions will be undertaken. This particular aspect is much more complex as there is no neat way of engaging with approximately 155 Religious Orders in the Republic; however we are endeavouring to work through these issues.

The National Inter-Agency Committee comprising of Church Representatives, Gardaí, Officials from your own Department and the HSE continue to meet on a regular basis. Significant legal issues which were encountered early on in the process have prevented us from advancing to the Interagency Committee structure as Ferns envisaged. However we are through the Audit process able to engage on concrete issues.

In addition North South inter-departmental meetings with HSE representation and HSE meetings with officials from the Department of Health & Social Services and Public Safety (NI) have been convened to address concerns regarding the Church's Child Protection Guidelines, Our Children Our Church, Audit of those Dioceses with cross border dimension,

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the sharing of information and indeed the promotion of child protection and safeguarding of children on an all Ireland basis.

An advertising agency has been appointed in respect of the Publicity Campaign and it is envisaged that this will be advanced on a two tiered approach. Our first phase, which is endorsed by our research, will be geared towards assisting parents around communication with and listening to children and that in essence keeping children safe and good parenting are synonymous. This approach will be supported by an accompanying Parenting Guide which will be developed for general distribution. The second phase next year will focus on children in a more direct way, in line with the specific recommendation of Ferns. Throughout this process we will be working closely with your Office in our testing of the campaign with young people and we will be consulting with HSE staff and indeed key voluntary agencies to make sure that as many people are on board with the design. We are still targeting the campaign to be launched by end of year subject to a satisfactory engagement and outcome with the Advertising Agency.

I look forward to the feedback from your own Department's Review of Children First. For our part, the HSE has undertaken its own review in the light of our experiences of the implementation of Children First, the National Child Protection Guidelines. This process is continuing and will be finalised within a month or so. I look forward to learning from your Review, and our own experiences, and using the opportunity to work co-operatively to improve and enhance protective measures and family support in relation to Children and Young People. Currently the HSE is also reviewing treatment services for abusers and treatment services for children and families. The Project Teams' remit is to analyse current service provision and make recommendations in relation to existing services and new services to address any deficits. A similar piece of work is still ongoing regarding Counselling Services. The work of these committees will be finalised in a matter of months.

HSE reform has also afforded the opportunity to review the efficacy of existing committee structures in relation to Child Protection, namely Local Child Protection Committees, and Regional Child Protection Committees as well as the Child Care Advisory Committees under the former Health Boards. I am pleased that discussions have been instigated with officials from your own Department in this regard with a view to establishing an effective national child protection committee structure that will reflect international best practice and the experience of staff here in Ireland. We are examining the research and have just completed canvassing the views of staff which will help inform these discussions with your Department.

Finally, I look forward to the impending launch of the Expert Advisory Groups and the opportunity that these groups will bring to further enhancing the way we provide services. In this regard I note that the Department has nominated Mr Charlie Hardy to the Children's Expert Advisory Group.

In conclusion Minister, may I once again assure you of the HSE's commitment to advancing the Ferns Recommendations in particular and in general continuing to strive to improve the welfare and safety of all our Children and Young People.

Yours sincerely

---

Prof. Brendan Drumm  
CEO



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## **Appendix 7**



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

**Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Merlin Park  
Galway**

 **(091) 775 414**  
 **(091) 752 828**

Ref: NCC 23/1

12<sup>th</sup> December 2006,

**Private & Confidential**

Dear [Bishop],

Since writing to you on the 23<sup>rd</sup> October and more recently on the 29<sup>th</sup> November 2006 it is clear that there are issues that need to be considered. From the correspondence received the Bishops have similar issues which centre around terminology, in the main, on section 5 of the questionnaire, and issues around confidentiality of the information disclosed as part of the audit and also in any subsequent Inter Agency Audit Review Committee. I will address these issues in subsequent correspondence.

In the meantime, I would ask that in the absence of clarification to the questions asked in correspondence at this time, if we could have responses provided to the questions in Appendix A of my letter covering sections 1 to 4 and sections 6 and 7 and Appendix B which deal with the broader issues of Child Protection Policies and Procedures and Structures.

It would be helpful if these sections could be provided at this stage to my office in the manner requested, i.e. using the reference nos., as they would



assist HSE in fulfilling its responsibilities under Child Welfare and Protection.

I understand that this suggestion was considered at your recent Bishops Conference and that in principle there was general acceptance.

I look forward to receiving your replies which I would welcome on or around the 5<sup>th</sup> January

Yours sincerely,

---

**Seamus Mannion**

**Asst. National Director for Children**

**Office of the CEO**

## **Appendix 8**

*Then Update by HSE of the Audit of Catholic Dioceses*

NCC / 23/ 1

May , 2007

**Minister Brian Lenihan T.D.,  
Minister for Children,  
Department of Health and Children,  
Kildare Street,  
Dublin 2.**

**Re: Audit of Catholic Church's Child Protection Practices and  
Compliance with the Recommendations of the Ferns Report**

Dear Minister Lenihan,

Further to my letter of the 12<sup>th</sup> October, 2006, (copy attached) in respect of the Ferns Report, I wish to advise you of developments in the intervening period in relation to the audit process.

As you know the HSE was requested to undertake an audit of child protection practices and compliance with the Ferns Report's recommendations. Amongst the objectives of this audit was to advise and inform the Minister for Children in considering whether or not to refer dioceses to the Commission of Investigation set up by the Government. Parallel with the development of the audit significant legal issues were encountered which prevented the Health Service Executive from advancing the Interagency Committee structures recommended in the Ferns Report. Following detailed consultation with your own Department, it was decided to progress the audit of practices while the examination of the complex legal issues attaching to the Interagency Committees continued to be examined by the Department, in association with the Office of the Attorney General.

A detailed audit tool was devised to ensure a consistent and comprehensive assessment of the Church's current child protection policy, practices and procedures. (Copy attached for reference.) The Audit Questionnaire was formally issued to the Bishops and Religious Orders on 23<sup>rd</sup> October, 2006. While much of the information sought has been received, it has not been possible in practice to progress one Section (i.e. Section 5) of the audit. The majority of Bishops have raised identical concerns and advised the Health Service Executive that, whilst they were anxious to co-operate fully, in the absence of the legislative measures anticipated by the Ferns Report they were unable to do so in respect of Section 5 of the Audit. This Section sought

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detailed information on complaints and allegations of child sexual abuse against members of the clergy, whether these allegations had or had not been brought to the attention of the civil authorities and the arrangements pertaining to those concerned. The information sought did not necessitate reference to individuals by name.

The Bishops advised that Section 5 presented insurmountable difficulties in relation to confidentiality and, in the absence of appropriate arrangements being put in place to ensure confidentiality of information disclosed in the Audit and subsequent Inter Agency Review Group meetings, they were unable to complete that section of the audit questionnaire. Whilst not explicitly saying so the similarities in the Bishops' individual correspondence implied that their stance was based on collective legal advice.

The Health Service Executive, following consultation with your own Department, decided to advance completion of the Audit with the exception of Section 5. The balance of the questionnaire sought information on such matters as policies, procedures, structures and training. An analysis of the 163 questionnaires received from Bishops and Provincials of Orders is currently being undertaken and my officials will forward a report on the results/findings to your Department on completion. However, it should be noted that at this stage this report will provide a stock take of policies, procedures, structures and training. Section 5 of the Audit Questionnaire was envisaged as a basis upon which to elicit further detailed evidence as to compliance with enunciated procedures. In the absence of the information sought in this Section it will not be possible to retrospectively examine the application of the procedures in relevant cases.

On receipt of the Bishop's correspondence the Health Service Executive sought its own legal advice which I attach. The legal advice sets out possible options up to and including legislative change. Counsel did offer an alternative to legislative change in the form of a confidentiality agreement. However, it should be noted in this regard that Church authorities have been consistent in numerous meetings attended by the Gardai, the Health Service Executive and your own Officials, of adamantly seeking the legislative provisions that the Ferns Report proposed. In the light of this it is a very real concern that to embark on the confidentiality agreement route would entail prolonged legal discussions, dependent on unanimous approval of Bishops and Provincials, with no guarantee of a satisfactory outcome. Such an approach would, as with engagement to date, lack the powers of compellability perhaps possible under other approaches. Notwithstanding the position set out in the legal advice, the HSE is conscious that there may be other options - perhaps through use of the Commission or other bodies - which might address the outstanding information sought in the Audit. It may also be that in addressing the wider issues of ensuring inter agency collaboration and information sharing in the interest of child welfare and protection that your Department may identify alternate ways of addressing the particular difficulties encountered in respect of Section 5 of the audit.

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In conclusion, I considered it important to update you on developments so that it would facilitate the fullest consideration of the matters involved at an early stage. Meanwhile, we will continue to progress the analysis of the returned questionnaires and, where necessary, meet with the Bishops and Provincials to address their answers. We envisage concluding this as speedily as possible over the summer period following which we will be in a position to provide you with a full report on our findings.

**Yours sincerely,**

---



**Professor Brendan Drumm,  
Chief Executive Officer.**

## Appendix 9



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Merlin Park  
Galway

 (091) 775 414  
 (091) 752 828

Ref: 23/1

11<sup>th</sup> June, 2007

**Private & Confidential**

Dear [Bishop],

Further to my last correspondence to you acknowledging receipt of your completion of the Questionnaire, my purpose in writing to you is to keep you up to date.

At this stage all Questionnaires completed by the Bishops are in and have been circulated to the Child Care Managers.

I have now met the Child Care Managers to agree an approach to ensure that there is a consistent approach to the examination of the Questionnaires. This process is being finalised and Child Care Managers will review the Audit in light of these discussions. I would expect the Child Care Managers to follow up any issues with you directly on matters of clarification or following observations on the content of the replies. At this time I am hoping to have a report ready for the Minister before the end of the summer.

I should also tell you that the CEO, Professor Drumm, has written to the Minister for Children, Brian Lenihan, updating him on the Audit Process to date and advising him of the difficulties facing Bishops in the completion of Section 5. The Minister has been advised that our analysis will therefore only be able to focus on the issues of policies, procedures, structures and training and that we will present a report to him in this context.

Yours sincerely,

---

**Seamus Mannion**  
**Assistant National Director**  
**Children Services**  
**Office of the CEO**  
**Health Service Executive**  
**Merlin Park Hospital**  
**Galway.**

**Child Care Manager:**

*c.c.: Child Care Manager – for info.*

*c.c.: Mr. Harry Casey, Executive Administrator of Commissions and Agencies – for info.*



## Appendix 10



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Merlin Park  
Galway

☎ (091) 775 414  
📠 (091) 752 828

Ref: 23/1

20<sup>th</sup> June, 2007

**Private & Confidential**

Dear [Bishop],

As you know the Ferns Report recommended the formation of Interagency Review Committees (IARCs). The Minister for Children in October 2005 asked the HSE to convene the IARCs. Since this time we have identified issues that have emerged in relation to advancing the formation of these committees and are progressing these with our colleagues in the Office of the Minister for Children.

In order to keep you informed I write to advise you that at this time the HSE will not be convening IARCs but will separately continue with the analysis of the audit of child protection Practices and compliance with Ferns recommendations which was also requested by the Minister.

Child Care Managers involved in the analysis of the replies received from the Dioceses and Orders to the Audit will link directly to the Bishops and Provincials to address any issues that require clarification. Upon completion of this work the HSE will report to the Minister.

Yours sincerely,

---

Seamus Mannion

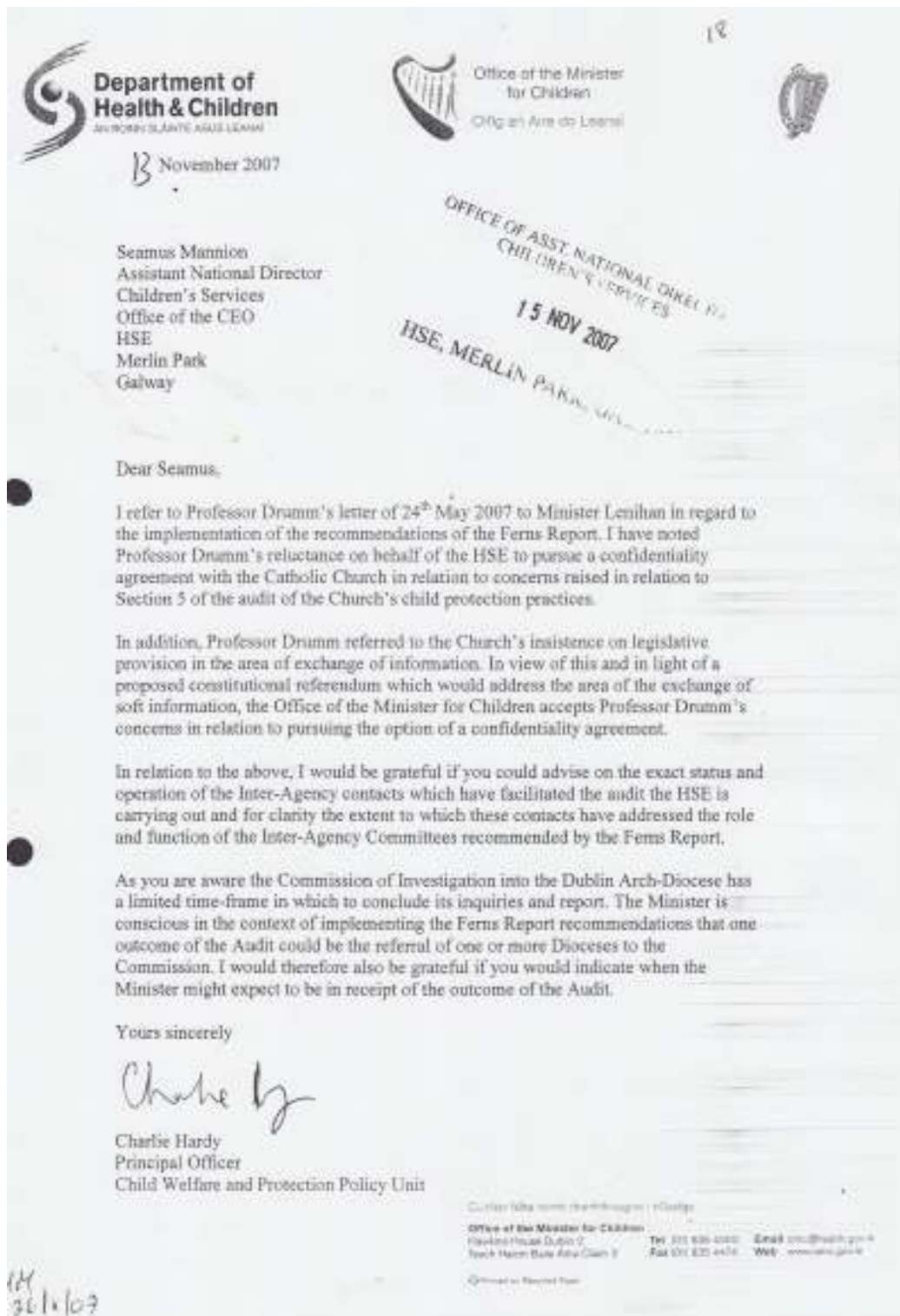
Assistant National Director

Children and Family Services

Office of the CEO

c.c. Mr. Gerard Blake, Chief Superintendent, An Garda Síochána.

## **Appendix 11**



## Appendix 12



Contact between individual Child Care Managers and Bishops in furtherance of the process could not be construed as fulfilling the role and function of Inter-Agency Committees as recommended by the Ferns Report. Rather it has afforded individual Bishops a designated contact within the HSE but has not facilitated the exchange of soft information, including rumour and innuendo envisaged by Ferns as occurring between Church authorities, Gardai and HSE.

As you know alternative child protection committee structures on foot of my report of January 2007, I assume are still under consideration by your office and perhaps offer a process for strengthening child protection and safeguarding roles of the various agencies.

Yours sincerely

---

Seamus Mannion  
Assistant National Director  
Office of the CEO



## **Appendix 13**



- the known responses to allegations or proven instances of abuse which the HSE is aware of,
- any example of Church child protection procedures not being followed that the HSE is aware of and, as you have previously referred to,
- Child Care managers engaging with the Church authorities in regard to their responses to the audit questionnaire
- providing analysis and advice to the Minister

and the HSE forming an opinion taking all these sources together.

It is the view of this Office that the audit and the advice to the Minister with its accompanying report by the HSE should, irrespective of the limitations arising from the absence of response to section 5 of the audit questionnaire, constitute more than a stock-take of procedures.

I wish to underline the essential requirement that the Minister be in a position to refer or not to refer Dioceses to the Commission of Investigation based upon advice and information given by the HSE.

Yours sincerely,

Sylda Langford  
Director General

## **Appendix 14**

## HSE Audit of Catholic Church Dioceses



## EXPLANATORY FOREWORD FOR REPORTS OF HSE AUDIT OF CATHOLIC DIOCESES

The documentation attached arose from the request by the Minister for Children of 26 October 2005 to the HSE to ensure that the recommendations of the Ferns Inquiry were being implemented by Catholic Church Dioceses. The Minister's request resulted in a national audit of Catholic Church dioceses, the aim of which was to examine the Church's child protection practices and to address, in line with *Children First: National Guidelines on the Protection and Welfare of Children*, any child protection and welfare concerns that might emerge.

On the 8 November 2005, the Government set up the Dublin Archdiocese Commission of Investigation. On 9 November 2005, the Minister for Children wrote to the HSE linking the Dublin Archdiocese Commission of Investigation's terms of reference, numbers 7 and 8, to his request of the 26 October 2005 for a national audit of Catholic Church Dioceses.

### *Terms of Reference:*

7. To examine, following a notification from the Minister for Health and Children, that a Catholic diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and the Religious, *Child Sexual Abuse: Framework for a Church Response* (1996) and any subsequent similar document, the position in that diocese.
8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report delivered to the Minister for Health and Children on 25 October 2005, the position in that diocese.

The process of the HSE national audit is set out in the documentation attached.

The national audit by the HSE was completed on 4 December 2008 with the submission to the Minister for Children and Youth Affairs of its report on the Cloyne diocese.

The HSE is completing a similar audit of Religious Orders and the report of that audit is expected in early 2009.

As part of the outcome of the HSE investigation into the Cloyne diocese a separate audit is being undertaken of all child sexual abuse allegations made against clergy in the Diocese of Cloyne dating back to 1996, when "*Child Sexual Abuse: Framework for a Church Response*" was introduced by the Catholic Church. The HSE envisage that this audit will be completed by the end of March 2009.

7 January 2009

Cuirfear falas roimh chomhfhreagraí i nGaeilge

**Office of the Minister for Children and Youth Affairs**  
Hawkins House Dublin 2      Tel: (01) 635 4000      Email: [omc@health.gov.ie](mailto:omc@health.gov.ie)  
Teach Haicin Bala Átha Cliath 2      Fax: (01) 635 4474      Web: [www.omc.gov.ie](http://www.omc.gov.ie)

Printed on Recycled Paper

**REPORTS OF HSE AUDIT OF CATHOLIC DIOCESES**  
with  
**LETTERS FROM MINISTER FOR CHILDREN TO CEO OF HSE**  
**REQUESTING THIS AUDIT.**

- |         |            |
|---------|------------|
| Section | [SCHEDULE] |
|---------|------------|
- I Letter of 26 October, 2005 from Minister for Children to CEO of HSE asking that the HSE commence an audit of child protection practices and compliance with the Ferns Report's recommendations (*Page 2*)
  - II Letter of 9 November, 2005 from Minister for Children to CEO of HSE linking Terms of Reference of Commission of Investigation, to the request for audit of 26 October, 2005. (*Page 4*)
  - III Letter of 31 January, 2008 from HSE with Audit Report analysis. (*Page 6*)
  - IV HSE Audit Report (*Page 8*), with the following attachments:
    - (a) Letter of 15 June, 2006 from CEO of HSE to Minister for Children with update on progress. (*Page 23*)
    - (b) Letter of 12 October, 2006 from CEO of HSE to Minister for Children to further advise him of developments. (*Page 25*)
    - (c) Letter of May, 2007 from CEO of HSE to Minister for Children with further update on developments. (*Page 27*)
  - V HSE letter of 4 December, 2008 (*Page 30*), enclosing Report entitled: "*Report on allegations of child sexual abuse in the Diocese of Cloyne and complaints that the investigations of these cases by the Diocese was inadequate*", (*Page 33*) with the following attachments:
    - (i) Letter dated 25 September, 2007 from the organisation One In Four to the Department re: complaint received. (*Page 45*)
    - (ii) Letter dated August 2007 from HSE to a complainant (*Page 50*)
    - (iii) Letter dated 8 October, 2007 from Department to HSE notifying them of complaint. (*Page 51*)
    - (iv) Internal HSE letter dated 16 October, 2007 re allegation. (*Page 52*)
    - (v) Letter dated 16 October, 2007 to Department from HSE indicating file has been assigned for follow-up. (*Page 53*)
    - (vi) Email dated 17 April, 2008 from CEO of National Board for Safeguarding Children in the Catholic Church (NBSCCC) to HSE South re: complaint shared by the Department and his investigation with other associated emails (*Page 54*)

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October, 2005.

Professor Brendan Drumm,  
Chief Executive Officer,  
Health Services Executive,  
Block D, 3<sup>rd</sup> Floor,  
Parkgate Street Business Centre,  
Parkgate Street,  
Dublin 7.

Dear Professor Drumm,

As you are aware, the report of the Inquiry into the handling of allegations of child sexual abuse in the diocese of Ferns was published on 25 October, 2005. At their meeting yesterday, the Government decided that I should write to the Irish Bishop's Conference seeking their confirmation individually and collectively that the Framework Guidelines of 1996 are in place and that the recommendations of the Inquiry will be implemented. The Government also decided that I should write to the HSE requesting you to liaise with individual bishops to ensure that the recommendations are being implemented.

One of the main recommendation in the report is that the inter-agency review group which has worked so effectively in the Diocese of Ferns for the past few years should be introduced in all areas. This group would comprise the Diocese, An Garda Síochána and the HSE and every suspicion or allegation of clerical child sexual abuse would be brought to the attention of the group. In line with the recommendations of the Inquiry, I would be most grateful if the HSE would undertake to convene the meetings of the Inter-Agency Review Group and to record and maintain its records. I am confident that this group will be an important mechanism in improving inter-agency communication so that children can be protected more effectively in the future.

I have written to the Irish Bishops Conference informing them of the Government Decision concerning the role of the HSE in ensuring compliance with the report's recommendations and requesting them to notify the HSE of current child protection practices in each diocese and the additional steps that the church authorities will be undertaking on foot of the report.

2



There are other recommendations contained in the report which are of importance to the Church. The main recommendations which refer to the Church authorities (and other organisations working with children) are attached.

I would also like to draw your attention to recommendation E6 which states that existing arrangements for joint investigation of suspected child sexual abuse cases should be more firmly established between An Garda Síochána and the HSE in order to ensure efficiency in outcome and sensitivity to victims. My officials will be in contact with you separately in regard to follow-up issues generally for the HSE and to contact you on the legislative recommendations which are being considered as a matter of urgency.

As this matter is one of such importance I would request that the HSE make contact with the individual bishops as a matter of urgency to commence an audit of child protection practices and compliance with the report's recommendations. Please report back to me as soon as possible after initial meetings have been held and liaison arrangements have been put in place. Thank you for your co-operation in putting in place these procedures to try to ensure that children will be protected more effectively in the future.

Yours sincerely,

\_\_\_\_\_  
Brian Lenihan, T.D.,  
Minister for Children.

3.

Professor Brendan Drumm  
Chief Executive Officer  
Health Services Executive  
Block D, Third Floor  
Parkgate Street Business Centre  
Parkgate St  
Dublin 7

9 November, 2005

Dear Professor Drumm

I refer to my letter of 26<sup>th</sup> October and to the decision by Government yesterday to set up a Statutory Commission of Investigation into the handling of child sexual abuse cases by the Dublin Archdiocese.

I enclose a copy of the Press Release and proposed terms of reference for the Commission. Please note points 7 and 8 which state:

"7. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious, Child Sexual Abuse: Framework for a Church Response (1996) and any subsequent similar document, the position in that diocese.

8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report delivered to the Minister for Health and Children on 25 October, 2005, the position in that diocese."

These provisions provide an express link between my earlier request to you to commence an audit of child protection practice and compliance with the Fern's Report's recommendations in each diocese and the remit of the Commission. This provides an added urgency and importance to the audit function which the Government has entrusted to the HSE.

I have asked my Private Secretary Hugh Drumm to contact your office so that we can meet as soon as possible to discuss the progress to date by the HSE and planned follow up to this important issue. I very much appreciate your co-operation in

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strengthening arrangements for the protection of children and look forward to meeting  
you shortly.

Yours sincerely

Brian Lenihan, TD  
Minister for Children

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5.



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the National Director of PCCC  
Health Service Executive,  
Room 149, Dr Steevens Hospital,  
Dublin 8.

Tel: 01 6352370

Fx: 01 6352327

Email: Rachel.fitzgerald1@hse.ie

Thursday, 31st of January 2008

Minister Brendan Smith,  
Department of Health & Children,  
Hawkins House,  
Dublin 2.



Dear Minister Smith,

I am pleased to provide a further update in respect of the Ferns Report. This will be the 4<sup>th</sup> Report provided by the Health Service Executive advising previously Minister Lenihan on our progress in implementing recommendations contained in the Report. Enclosed previous 3 updates for ease of reference. In this Report I wish to advise that my officials have analysed information supplied by the Bishops in the form of an audit questionnaire, in order to seek to ascertain compliance with the recommendations of Ferns and the degree to which Church Dioceses are implementing Church Guidelines.

The audit questionnaire was devised following consultation with Child Care Managers and Officials in your own Department. It sought information from Bishops on such matters as child protection policies, procedures, structures, training and selection procedures pertaining to their Diocese. On receipt of completed audit questionnaires from Dioceses a framework was issued to Child Care Managers, designated to individual Bishops, to assist in their analysis of responses. A composite report on the findings arising out of this analysis is enclosed. A parallel process is now underway in respect of the Religious Orders and I would anticipate this exercise being completed in the first quarter of 2008.

It should be noted, as outlined in earlier correspondence to your predecessor of May 2007 that in the face of legal objections in relation to the absence of the legal measures envisaged in the Ferns Report that were intended to ensure confidentiality of information, a section of the Audit was not completed by the Bishops. Following consultation with the Office of the Minister for Children, it was agreed to proceed with the remainder of the audit. While the audit does provide valuable information, without the benefit of completion of this section, it is not possible to retrospectively examine application of the procedures in individual cases.

6.

However in the event that further Reports of clerical abuse whether current or retrospective are brought to the attention of the Health Service Executive the audit process will have provided an invaluable benchmark against which to gauge the compliance of Church Authorities collectively and individually with their own stated policies and procedures. The HSE had recently has a complaint passed to it by the OMC which alleges non-compliance with policies and procedures. This matter is currently being investigated and it is intended to report specifically on this complaint as soon as this investigation is complete.

I would further add that whilst contact between individual Bishops and designated Child Care Managers in furtherance of this process has undoubtedly improved communication between the two constituencies it has not facilitated the exchange of soft information, including rumour and innuendo envisaged by Ferns or indeed the formation of Inter-Agency Committees. I understand from media reporting that the type of provisions to enable such exchange may be addressed in the proposed constitutional referendum.

The review of Children First the National Child Protection and Welfare of Children Guidelines and also the review the statutory and policy provision of child protection committee structures is currently being undertaken by Officials in your own Department.

I wish to assure you of the Health Service Executive's continuing co-operation and assistance in striving to improve the welfare and safety of children and if it would be of assistance HSE officials would be pleased to meet your officials to discuss the content of the enclosed report.

Yours sincerely,

  
Laverne McGuinness  
National Director  
Primary Community & Continuing Care

17

## **Audit of Catholic Church's current Child Protection Policy, Practices and Procedures & compliance with Ferns Report Recommendations**

### **Background:**

On foot of the Ferns Report the HSE established a number of task groups to address:

- Audit of Church Child Protection policies and procedures
- Publicity Campaign and HSE responsiveness.
- Review of Children First and linkages with Departmental review.
- Counselling services for young people and families.
- Treatment services for persons with sexually offending behaviour.

Minister Lenihan in his letter to me of 26<sup>th</sup> October, 2005 requested that the HSE make contact with individual Bishops and commence an audit of Child Care practices in compliance with the Ferns Report Recommendations. Following detailed discussion with Minister Lenihan's Department an audit tool was devised to assist in the assessment on the Church's current protection policy, practices and procedures. An audit questionnaire was formally issued to the Bishops and Religious Conference on 23<sup>rd</sup> October, 2006. (Appendix A)

Consequent to receiving same the Bishops, using identical concerns, advised that whilst anxious to co-operate fully with the HSE, that in the absence of the legislative measures anticipated by the Ferns Report, they were unable to do so in respect of Section 5 of the planned Audit. This Section 5 sought detailed information on complaints and allegations of child sexual abuse against members of the clergy and whether these allegations had or had not been brought to the attention of the civil authorities.

The Bishops identified that Section 5 presented insurmountable difficulties in relation to confidentiality given that appropriate legal arrangements had not been put in place. That in essence the disclosure of such confidential information as required by the Audit could not be actioned.

The HSE, following further consultation with the Department and on foot of independent legal advice obtained by the HSE and shared with the Department, decided to advance completion of the Audit with the exception of Section 5 as it was considered that the information sought would still be of value in determining the degree of compliance with Church guidelines and progress on implementing the recommendations of the Ferns Report. The Audit tool was subsequently forwarded to the Bishop in each diocese and on receipt of completed questionnaires they were forwarded to the local Child Care Manager designated for each diocese. Based on the

8.

information provided by each Bishop the Child Care Managers undertook an analysis of the responses provided and were advised to meet the Bishops if there was insufficient information or if they need to clarify matters of concern. A standard Framework to assist Child Care Managers in their analysis of the Bishop's responses was also devised to ensure consistency nationally in their approach to this analysis.

#### Audit Questionnaire

The audit tool sought information under a number of main headings:

1. Child Protection Policies and Procedures
2. Procedures
3. Training
4. Structures
5. \* Audit not completed
6. Selection Procedures and Codes of Conduct
7. Observations/Comments

#### Section 1: Child Protection Policies and Procedures

All Dioceses stated that they operated a Child Protection Policy and furnished copies of their Policies which included:

- Our Children Our Church
- Child Sexual Abuse: Framework for a Church Response (Green Book)
- Children First: National Guidelines for Protection and Welfare of Children
- Working with Children and Young People in the Catholic Church Community in Ireland.

A common theme was that the Dioceses were in transition between the Green Book (Framework for a Church Response 1996) guidelines and Our Children Our Church. The HSE understands that Our Children Our Church is currently being revised by the Church. Bishops confirmed that the above policies had been sanctioned in all Dioceses and that in addition further Church policies that have implications for identification and screening of child sexual abuse include:

1983 Code of Canon Law  
Sacramentorum Sanctitatis Tutela Motu Proprio 2001

A detailed response to how policies are disseminated locally and what measures are in place to ensure policies were brought to the attention of all Personnel were provided by each Diocese. There is substantive detail, at a quantitative level on individual procedures within each Diocese and indeed parish. However in the absence of qualitative exploration of how the policies are working in practice, which was removed with the omission of Section 5 of the Audit, there is no way of verifying the efficacy of current arrangements or indeed that simply by virtue of policies existing, they are actually operated.

Internally this issue should be addressed by the Church under the Our Children Our Church framework whereby the National Board for Child Protection will undertake an

9.



annual audit of the implementation of Church policies and procedures and publish an annual report.

Specifically in relation to how each Diocese is going to implement the recommendations of the Ferns Report, (Appendix B) each Diocese provided details on implementation processes and timescale and the written responses showed evidence of advancing the recommendations referred to in Minister Lenihan's letter to Archbishop Sean Brady of October, 2006.

## Section 2: Procedures

This section commenced with the question:

"In all instances where it is known or suspected that a child has been, or is being sexually exploited, Is the matter reported to the HSE and An Garda Síochána without delay", that is "within the next working day"?

A number of issues were raised by Bishops in relation to this matter. Some Bishops indicated that Children First, the National Guidelines for the Protection and Welfare of Children (1999) does not instruct the phrase "without delay" as to always mean "within the next working day" rather that the test for reporting knowledge or suspicion of child sexual abuse is the existence of "reasonable grounds for concern". (Children First P. 38, ss 4.3.2). As an extenuation of the clarification a number of Bishops stated their support for a system of mandatory reporting as evidence by their presentation to the Oireachtas All-Party Committee.

Notwithstanding the above clarification all Bishops affirmed that cases of suspected or known abuse are notified "without delay". Furthermore each Diocese reported that they have a designated person to whom allegations or suspicions of child sexual abuse are reported and the name/office/title of the person was provided. Confirmation was also provided that written records are kept. The Bishop affirmed further that where reasonable grounds exist action is taken to protect children from possible abuse by the alleged perpetrator.

We were advised that the procedures invoked in relation to an alleged abuser if a HSE and/or An Garda Síochána investigation denotes that there is insufficient evidence for prosecution but reasonable grounds for concern continue to exist, were those contained in the Framework guidelines and Our Children Our Church procedures. Replies evidenced that Bishops take action following advice from his Advisory Panel and/or HSE and/or Gardai. Where an alleged abuser refuses to step aside Canon Law procedures and Our Children Our Church procedures are invoked. Counselling services / support are offered to all alleged victims and all allegations are notified to the Gardai and / or HSE.

10.



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10.

- Necessary resources for vetting personnel should be provided.
- What steps are being taken by the HSE and Gardai to implement recommendations directed towards their own personnel.
- Establishment of out-of-hours social work service and additional counselling services urgently required.
- State funding should be provided for training monitoring and other initiatives.
- Does the State, through the HSE seek to bind the Catholic Church to standards and practices different to those that apply to other citizens (e.g. Inter-Agency committees)?

A number of the issues raised by the Bishops are matters which we note are being addressed by Government or other agencies such as the recent developments in vetting. The HSE, for its part is working with your Department on the issue of out of hours and will during 2008 provide a report on counselling services.

**Conclusion:**

The audit has provided a substantial information base on the Church's child protection policies, practices and procedures. Information provided does serve as a reference point or baseline for Child Care Managers which heretofore did not exist. In response to the Ministers request of the HSE to audit the Dioceses and conduct that on the basis of the information provided by each Bishop, I wish to advise that on the basis of the analysis by Child Care Managers of the replies received, there is no prima facie case of serious non-compliance with the Ferns Report recommendations. On that basis therefore, I would not recommend to the Minister that any particular diocese should be referred to the Dublin Commission at this point in time. The HSE have however concern in respect of one particular diocese on foot of a recent complaint alleging non-compliance with procedures, received from the Office of the Minister for Children which is currently under investigation. HSE will notify your department of the outcome of this investigation and any implications as soon as it is complete. A number of issues require to be resolved including the Church's review of their own guidelines Our Children Our Church which were subjected to an independent review by the Office of the Minister for Children. The HSE welcomes the Church review as consistency with Children First National Guidelines for Protection and Welfare of Children is imperative.

12.



Féilthmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the National Director of PCCC  
Health Service Executive,  
Room 149, Dr Steevens Hospital,  
Dublin 8.

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Email: Rachel.fitzgerald1@hse.ie

December 4<sup>th</sup>, 2008

Ms. Sylva Langford,  
Assistant Secretary,  
Department of Health & Children,

Re: Diocese of Cloyne

Dear Ms. Langford,

I refer to previous correspondence and discussions concerning the above. I have today received the report of the Child Protection practices in the Diocese of Cloyne from Mr. Pat Healy, Assistant National Director HSE South.

I have accepted the report and agreed with Mr. Healy arrangements for implementation and oversight of the actions required. I am submitting the report to the Department of Health and Children for consideration.

Yours sincerely,

Laverne Mc Guinness  
National Director  
Primary Community & Continuing Care

30.



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director,  
South,  
PCCC Directorate,  
Floor 2,  
Abbeycourt House,  
George's Quay,  
Cork.

Tel. (021) 4923818  
Fax. (021) 4923829

December 4<sup>th</sup>, 2008

Ms. Laverne McGuinness,  
National Director,  
PCCC Directorate,  
Dr. Steeven's Hospital,  
Steeven's Lane,  
Dublin 8.

Re: Diocese of Cloyne

Dear Laverne,

I refer to previous correspondence and discussions with regard to the allegations of child sexual abuse in the Diocese of Cloyne by members of the clergy and complaints made that the investigations of these cases by the Diocese was inadequate and were not carried out in accordance with the appropriate guidelines.

I arranged for these matters to be investigated by the Child Protection services in HSE South and a review was undertaken led by Mr. Mike Van Aswegen Child Care Manager in collaboration with Mr. Eamon Collier, Principal Social Worker, together with other HSE professional staff. The review is now completed and I attach final report received from Mr. Van Aswegen today.

The report indicates that the Diocese were not fully in compliance with procedures as set out in the report of the Irish Catholic Bishops Advisory Committee on Child Sexual Abuse by Priest and Religious – Framework for a Church Response (1996). Whilst the Gardai were informed in respect of each case, the HSE was not notified in respect of any of the cases. The report outlines the reasons why this error occurred.

In addition, the report outlines significant progress having been made between the HSE and the Diocese in addressing shortcomings in practice and procedure and the report outlines the range of actions which have been agreed with the Diocese to ensure full compliance and which are currently in the process of implementation.

I have accepted the report as presented by Mr. Mike Van Aswegen, Child Care Manager and arrangements have been made for the monitoring of effective implementation of the arrangements now agreed involving monthly and quarterly meetings between the HSE and the Diocese at the appropriate levels. The recent appointment of Fr. Bermingham as Delegate has also given increased impetus to the implementation of the agreed arrangements. I am satisfied that on the basis that these arrangements are fully implemented as agreed and that the HSE can be assured that adequate child protection practices are in place in the Diocese of Cloyne.

I will arrange for the submission to you of the outcome of the audit when fully completed in March 2009.

Yours sincerely,

PAT HEALY,  
Assistant National Director,

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Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

**Report on allegations of child sexual abuse in  
the Diocese of Cloyne and complaints that the  
investigations of these cases by the Diocese  
was inadequate**

Date of report

28/11/2008

04112008 Report on allegations and complaints Diocese of Cloyne

33.

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### Introduction

This report is generated as a result of a review undertaken by the HSE Child Protection services arising from:

1. Correspondence received from the DOHC arising from a complaint made by [redacted] One in Four in letter to Minister Mary Harney dated 25<sup>th</sup> September 2007 (See appendix)
2. Information provided by the Diocese of Cloyne
3. Concerns raised by Mr. Ian Elliot CEO The National Board for Safeguarding Children in the Catholic Church and subsequent report received through the DOHC on this matter.

#### **1. Information arising from the correspondence from One in Four**

The concerns raised in the correspondence from One in Four stated that the Diocese of Cloyne failed to report an allegation to the HSE of sexual abuse by a member of the clergy as made by [redacted]

Concerns were raised that failure to report an allegation to the HSE was a breach of *Child Sexual Abuse: framework for a Church Response(1996)* and of the more recently introduced child protection policy of the Catholic Church, *Our Children, Our Church (2005)*

In the matter of the reporting of child sexual abuse, *Child Sexual Abuse: framework for a Church Response(1996)* has a recommended reporting policy as follows:

"2.2.1 In all instances where it is known or suspected that a child has been, or is being, sexually abused by a priest or religious the matter should be reported to the civil authorities. Where the suspicion or knowledge results from the complaint of an adult of abuse during his or her childhood, this should also be reported to the civil authorities.

2.2.2 The report should be made without delay to the senior ranking police officer for the area in which the abuse is alleged to have occurred. Where the suspected victim is a child, or where a complaint by an adult gives rise to child protection questions, the designated person within the appropriate health board/health and social services board should also be informed. A child protection question arises, in the case of a complaint by an adult, where an accused priest or religious holds or has held a position which has afforded him or her unsupervised access to children."

#### **2. Information provided by the Diocese of Cloyne**

As part of the review being undertaken by the HSE the Diocese of Cloyne identified a total of four cases of clergy in the Diocese against whom allegations were made, including the case referred to above. The HSE Child Protection services in carrying out the review have addressed the process undertaken by the Diocese in respect of each of these cases.

#### **3. Concerns raised by Mr. Ian Elliot CEO The National Board for Safeguarding Children in the Catholic Church and subsequent report received through the DOHC on this matter.**

In the course of the review Mr. Ian Elliot CEO The National Board for Safeguarding Children in the Catholic Church raised concerns with the DOHC which were brought to the attention of the HSE, arising from which a meeting was arranged with Mr. Elliot to discuss his concerns. Subsequently a report was provided by Mr. Elliot to the DOHC. The report was made available to the HSE by the DOHC and this report has also been fully considered as part of the review process.



The review has been led by Mr. Mike Van Aswegen, Childcare Manager in collaboration with Mr. Eamonn Collier, Principal Social Worker, North Cork Childcare & Protection services and other HSE staff.

This report summarises the outcome of the review process and outlines the actions being taken by the HSE in conjunction with the Diocese of Cloyne to ensure that the various child protection guidelines are fully implemented in line with "The Children First National Guidelines" and "Our Children, Our Church", Child Protection Policies and Procedures for the Catholic Church in Ireland.



Section 1Complaints made in respect of the management of allegations within the Diocese of Cloyne.1.1 Complaints in relation Fr. W

In collaboration with Mr. Eamonn Collier, Principal Social Worker, North Cork Child Care & Protection Services a comprehensive search of the HSE files was undertaken in order to establish whether, in fact, contact had been made by the Diocese of Cloyne with regard to the specific allegations as raised by [REDACTED]. It was subsequently confirmed that no contact had been received in this matter from the Diocese of Cloyne.

Supt. [REDACTED] and Bishop Magee were invited separately to meet with the Child Care Manager North Cork, Mr. Mike van Aswegen and the Principal Social Worker, North Cork Child Protection Services, Mr. Eamonn Collier in order to examine the information available and actions taken by the Diocese.

In a meeting with Supt. [REDACTED] the specific matter of [REDACTED] allegations were discussed, as well as the confirmation of the general business processes linking An Garda Síochána with the North Cork Child Care & Protection Service in matters relating to allegations of sexual abuse and the subsequent reporting thereof.

Bishop Magee was contacted in order to establish the processes undertaken by the Diocese in this matter.

In his initial responses to the Childcare Manager regarding the matter at hand, (dated 7<sup>th</sup> December 2007) the Bishop made it clear that any actions taken by the Diocese were in keeping with the 1996 Framework Document (2.21-2.2.2). Bishop Magee went on to state that the following actions were taken:

- The matter was reported
- The accused was removed from ministry
- The complainant was afforded pastoral care and counselling.
- The priest that was the subject of the allegation, Fr. W, was professionally assessed by the Granada Institute. Bishop Magee noted that despite the fact that the DPP elected not to proceed, the Diocese utilised canonical processes by which the accused has not been reinstated to post.

The Bishop emphasised the centrality of Pastoral Care in the actions of the Diocese.

In his correspondence the Bishop notes "The Diocese may not dispense itself from its duty of pastoral care, above all where children may be at risk. The Diocese will be glad to collaborate with other bodies in providing more effective care".

The Bishop confirmed that the matter had been reported to the Gardai, in accordance with the Framework Document and acknowledged that he had misunderstood the structures in place between the Gardai and HSE. The Bishop stated that this misunderstanding arose from his belief that there was a joint protocol in place between the HSE and Gardai in these matters and that he would in future undertake that all reports would be made directly to the Gardai and HSE.

[REDACTED] case was discussed with the Diocese in order to establish the actions taken. Mr. Collier advised the Bishop that in order for North Cork Child Protection Services to be satisfied regarding risk assessment and risk management in the matters specifically relating to Fr. W, the HSE would be seeking the assessment report and recommendations of the Granada Institute and the actions that were subsequently taken by the Diocese to create a protective environment in this matter. It was confirmed that Fr.W remained subject to supervision and had

been removed from ministry. A discussion then ensued relating to Fr. W's legal team and whether permission for release could be obtained regarding the Fr. W report. Monsignor [REDACTED] assured Mr. Collier that he would explore this matter and provide the HSE with the fullest response possible.

In written correspondence Monsignor [REDACTED] (the Designated Delegate of the Diocese) informed the Child Care Manager of the outcomes of the Granada Assessment of Fr. W stating as follows "Their (The Granada Institute) conclusion reads: "This assessment has produced no evidence that Fr. W has an erotic interest in children....His level of risk for future sexual offending has been judged to be low".

Monsignor [REDACTED] went on to state that he would be willing to give sight of the assessment in full if it was required. The full assessment report was requested and produced by Monsignor [REDACTED]

During the ongoing process of review, Monsignor [REDACTED] provided the HSE with information relating to all ongoing cases within the Diocese.

Monsignor [REDACTED] confirmed the following four cases of priests that had been accused of child sexual abuse and the actions taken in each case:

#### 1.2 Fr. C

The case of Fr. C was referred on to the Gardai. The DPP chose not to pursue prosecution in this matter. Fr. C was assessed by the Granada Institute, the conclusions of this assessment advised that Fr. C not be returned to ministry.

Fr. C is currently resident in a religious institution where he is under constant supervision.

#### 1.3 Fr. D

The matter was referred to the Gardai. The DPP chose not to proceed with a prosecution in this matter. Fr. D. has been risk assessed by a suitably qualified psychologist arranged by the diocese and has been removed from Ministry. A civil case is currently proceeding against Fr.D. He is monitored by the Parish priest and under the supervision of the Delegate.

#### 1.3 Fr. T

The matter was referred to the Gardai and the DPP has chosen not to prosecute. He is an individual in his late eighties who is retired and lives in his parish residence. He remains under the supervision of the Delegate and is effectively confined to his home.

In examining the information provided to the HSE South in the matter of all priests that had been the subject of allegations of Child Sexual Abuse, the following conclusions were reached:

1. The actions taken by the Diocese in the reporting of the allegations were not fully in keeping with the 1996 Framework Document in that, whilst a report was made to the Gardai, this was not supported with a separate report to the Child Protection Services, HSE South.
2. The priests that had been the subject of allegations were all assessed as a means of determining the levels of risk posed to children. The assessment of risk is an appropriate response to allegations. Such an assessment provides the baseline for all future actions in respect of safeguarding children.
3. An examination of procedures relating to supervision of alleged perpetrators was required in order to secure appropriate ongoing monitoring of alleged perpetrators of abuse. (This is further outlined in Section3)

Section 2Review of concerns regarding the actions taken by the Diocese, as raised by Mr. Ian Elliot

In the course of the review the DOH&C brought to the attention of the HSE that Mr. Ian Elliot, (CEO) National Safeguarding Board for Children had raised concerns with regard to the practices in the Cloyne Diocese

A meeting was held between Mr. Elliot, Mr. Pat Healy (Assistant National Director) HSE South and Mr. M. van Aswegen (Child Care Manager) HSE South in order to discuss Mr. Elliot's concerns regarding the Diocese of Cloyne.

At this meeting Mr. Elliot relayed his concerns that he had not, in his view, been afforded full co-operation from the Diocese and had not received all the documentation that he requested from the Diocese. Mr. Elliot outlined his concerns as regards the manner in which the Diocese managed complaints relating to child protection. Mr. Elliot stated he was concerned that there may be other complaints made against priests in the Diocese of which we were not aware.

At the conclusion of the meeting Mr. Healy asked Mr. Elliot to provide to the HSE South with any further information which would enable the HSE to take action on the concerns being raised by Mr. Elliot. In subsequent communication (copy email attached) Mr. Elliot re-stated his position as follows:

- Mr. Elliot had responded to [REDACTED] complaint and immediately made arrangements to visit the Diocese in order to speak to the Bishop and resolve the issues raised.
- Access to the complete file was not forthcoming from the Diocese.
- Mr. Elliot stated his deep concerns regarding some of the practices of the Diocese and outlined the need for a further visit, which would include the Chairman of the National Safeguarding Board for Children.
- Mr. Elliot stated that the focus of the Board was the safety of children and that a requirement was full and immediate reporting of allegations. Mr. Elliot stated that he would continue to keep the HSE fully briefed on any developments.

Subsequent to this the National Board for The Safeguarding of Children in the Catholic Church submitted a report to the DOH&C into the management of 2 cases relating to child protection within the Diocese of Cloyne.

The "Report on the management of two child protection cases in the Diocese of Cloyne" concludes with the following recommendations:

1. The Diocese of Cloyne adopts immediately a safeguarding policy for children that meets the standards expected of it within the Church as a whole.
2. One of the essential elements of this safeguarding policy will be the sharing of all information held on any alleged abuser within the Diocese with the appropriate statutory authorities, in a timely way.
3. The development of an open and collaborative working relationship with the key statutory agencies in the area should be seen as a priority. This should be based on a sound understanding of the role and remit given to each body under the legislation that applies in this country.
4. The current child safeguarding structure within the Diocese is reviewed to confirm that it can provide high quality safeguarding advice that appropriately recognises the need for protecting the vulnerable child, rather than concentrating on the management of the accused.
5. Any other cases that have been identified within the Diocese should be urgently reviewed to establish if current risk has been adequately assessed. This should be progressed

independent of the Diocese until confidence is restored in the ability of those involved to take required actions.

6. Preventative actions should be reviewed and implemented in all cases that are known to the Diocese to protect other children from potential further abuse. (These should include addressing the question as to whether a person should be placed on administrative leave or stood aside from active ministry and the strictures that should be imposed pending investigation and whether the priest remain in the priesthood at all. Such action must be taken at the earliest opportunity.)
7. Child protection training should be sourced and provided for those involved in child protection in the Diocese, to improve their ability to recognise risk and to record their practice appropriately.
8. All present and future safeguarding practice in the Diocese should be recorded in case files that allow for the easy retrieval of key information on actions taken and decisions made.

Before concluding the review the HSE has been advised by the Diocese of Cloyne that Bishop McGee has accepted the recommendations of the report outlined above from Mr. Elliot and that these will be implemented as part of the overall process of work underway with the HSE

### Section 3

#### Revised Arrangements in place with the Diocese of Cloyne arising from the Review and the report issued by the National Safeguarding Board for Children

The relevant representatives of the Diocese of Cloyne have made themselves available and have engaged fully with the HSE.

In our meetings with representatives from the Diocese of Cloyne we were able to identify interventions that would avoid any future misunderstandings regarding roles and responsibilities and strengthen lines of communication. These actions would thus provide enhanced capacity for the adequate protection of children.

The actions that were agreed were as follows:

1. Make provision for quarterly meetings between the local HSE and the Interdiocesan Case Management Advisory Committee.
2. Monthly meetings to be arranged between the local HSE and the Delegate.
3. Develop, in collaboration with the Delegate, an agreed supervision policy for those priests that have been subject to child sexual abuse allegations.
4. Request an audit of all child sexual abuse allegations made against clergy since 1996.

#### Quarterly meetings with the Interdiocesan Case Management Advisory Committee

The Interdiocesan Case Management Advisory Committee has the following membership:

- Mr. [REDACTED]
- Mr. [REDACTED]
- Mr. [REDACTED]
- Ms. [REDACTED]
- Mr. [REDACTED]
- Sr. [REDACTED]
- Sr. [REDACTED]
- Fr. [REDACTED]
- Fr. [REDACTED]
- Monsignor [REDACTED]
- Fr. [REDACTED]

The Interdiocesan Case Management Committee will meet with the Child Care Manager and a representative of the North Cork Child Protection service on a quarterly basis. The dates for these meetings are set as follows:

15/01/2009  
16/04/2009  
16/07/2009  
15/10/2009

In addition to the Interdiocesan Case Management Committee meetings, it is agreed that there will be a monthly Diocesan Liaison Meeting between the Child Care Manager and the Cloyne Delegate for Clerical Sexual Abuse Complaints. The dates for the remainder of 2008 are set as follows:

31/10/2008  
21/11/2008



12/12/2008

It is expected that these meetings will afford the opportunity not only for consultation around general matters relating to child protection, but will provide regular opportunities for relaying information that is relevant to child protection and allegations of sexual abuse by members of the clergy. These meetings will also specifically review progress on implementation of the recommendations of Mr. Elliot's report together with the other actions agreed with the HSE

#### **Audit of all Child Sexual Abuse allegations made against clergy since 1996**

An audit is being undertaken of all allegations made against clergy in the Diocese of Cloyne dating back to 1996. It is envisaged that the audit will be completed by the end of March 2009.

The appointment of a new Delegate, Father Bill Bermingham has been communicated to the HSE. Upon meeting with Father Bermingham, the HSE were informed that The Bishop had accepted fully the recommendations of the National Safeguarding Board for Children. The delegate has also advised that the current Inter Diocesan Case Management Advisory Committee is having its membership reviewed and that the office of the National Safeguarding Board For Children will temporarily be assuming the role of the Case Management Committee. Father Bermingham welcomes the ongoing development of the relationship with the HSE as a means of improving safe practice within the Diocese.

One of the key issues which arises in this context is the reliance of the HSE as Statutory Authority, on full disclosure from the Church authorities within the Diocese, in line with nationally agreed guidelines, in respect of:

- (i) Cases where allegations have been made in respect of Clergy in the Diocese (including historical cases which pre-dated any national guidelines).
- (ii) Clarity on the specific arrangements in place within the Diocese for supervision of Clergy against whom allegations have been made.

Based on the information provided by the Diocese the HSE is satisfied that the cases identified in this report are the only known cases currently within the Diocese. The Diocese has confirmed that this is the position and that any further information which comes to hand either as part of the audit or through any other means will be made available to the HSE South in line with National Guidelines.

#### **Development of a Supervision Policy**

"Our Children, Our Church" identifies the matter of supervision of those convicted of child abuse and outlines the role of the relevant religious authorities in this area.

A supervision policy is also required that will address the matter of members of the clergy that have not been subject to prosecution, but have been otherwise removed from ministry.

In relation to the specific cases as now identified to the HSE, the Diocese has confirmed the arrangements in place for their ongoing supervision. While these arrangements are welcome, it is apparent that existing supervision practices will require strengthening to meet current best practice and to ensure that children will be safeguarded to the maximum possible degree within the communities in which the alleged perpetrators are resident.

The North Cork Child Protection Services are assisting in the development of a comprehensive Supervision Policy. This matter is currently being addressed by North Cork Child Protection Services and the Delegate. It is envisaged that the agreed supervision policy will be in active operation by the end of the first quarter of 2009.

#### Section 4

##### Conclusions and Recommendations

Having carried out the review the Child Protection Services are of the view that the existing Child protection Practices within the Diocese will need to be strengthened to comply with existing national guidelines.

The Diocese have confirmed that that they have now identified all known cases and passed on the information to the HSE. The commissioning of the Audit has been a mechanism for confirming that no case remains unidentified.

This report concludes that the actions taken by the Diocese of Cloyne were not fully compliant with the procedures as set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious; Framework for a Church Response (1996). Whilst the Gardai were informed in each case, the HSE was never notified in respect of any of the cases as outlined above.

The Bishop has acknowledged his error in this respect, stating that the matter was reported to the Gardai and that his misunderstandings relating to roles and responsibilities led to a failure to report the matter to the HSE. The Bishop has assured the HSE that this matter has been corrected.

The actions taken by the Bishop included the removal of the alleged perpetrators from ministry, affording pastoral care to the complainants and risk assessment of the alleged perpetrators by a recognized Agency within the field of risk assessment of sexual offenders. In addition, the alleged perpetrators became subject to ongoing supervision.

The examination by the HSE of the actions taken by the Diocese highlighted the need for ongoing liaison with the Diocese as a means of assisting the Diocese in refining its response to matters relating to child protection.

The recommendations of the report issued by the National Safeguarding Board for Children clearly addresses the actions required by the Diocese in order to develop robust systems of child protection within the Diocese.

These recommendations reinforce and support the work that is currently being undertaken by the HSE and the Diocese in the matter of developing systems of child protection that will adequately reflect the rigors of all appropriate National Guidelines, including *Children First*.

The HSE has put in place a number of actions to assist the Diocese in this matter as follows:

1. Monthly meetings with the Delegate with responsibility for Child Protection within the Diocese.
2. Quarterly meetings with the Interdiocesan Case Management Advisory Committee upon its re-establishment.
3. Assistance in the development of an effective supervision policy.
4. An audit of all allegations made against the Clergy within the Diocese dating back to 1996.

The Diocese has engaged fully with the process and contact is ongoing. The appointment of a new Delegate, Fr. William Bermingham demonstrates the commitment of the Diocese to continue to refine its responses to issues relating to Child Protection.

Fr. Bermingham has informed the HSE of the commitment of the Diocese to the change process. The Diocese has advised that Bishop Magee has accepted the findings of the Report issued by the National Safeguarding Board for Children and is committed to addressing the recommendations as outlined.

It is understood that the current Interdiocesan Case Management Advisory Committee is under review and that the function will be carried out in the interim by the offices of the National Safeguarding Board for Children.

In the course of the review the issue has arisen as to whether the complaints in relation to the Diocese would warrant submission to the Commission of Investigation into Clerical Abuse in the Dublin Archdiocese.

It is noted that the following actions have been taken by the Diocese:

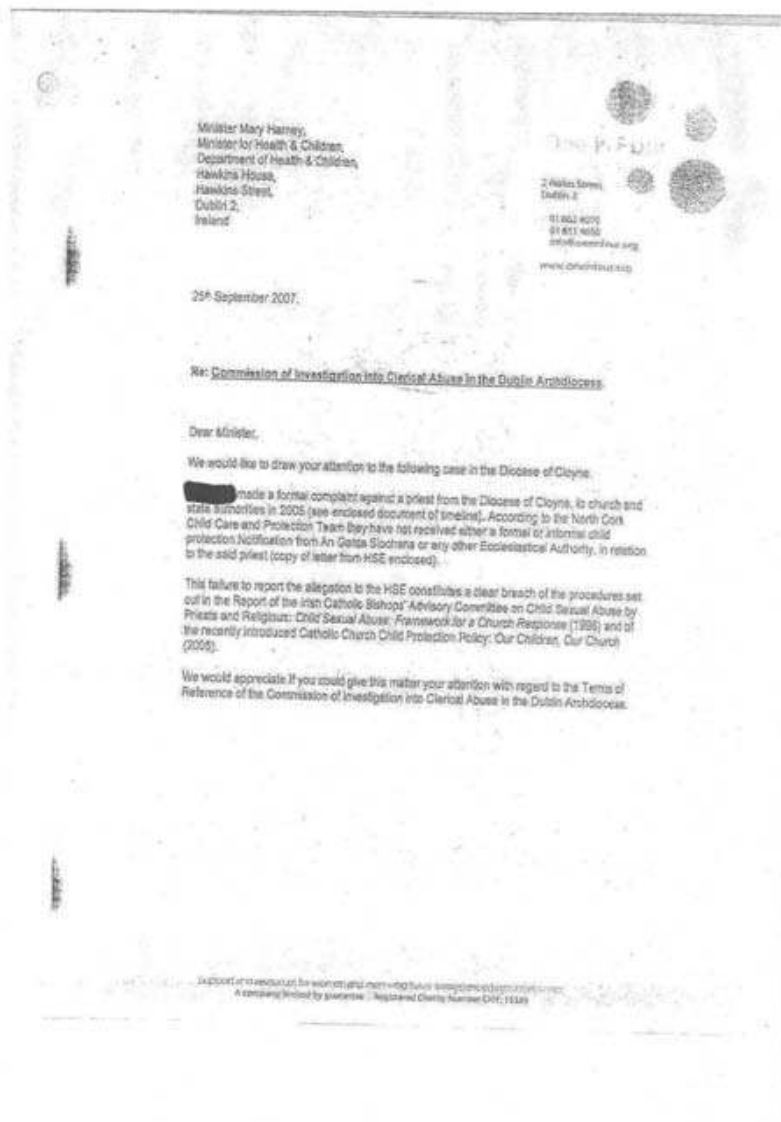
- The appointment of a new Delegate.
- Acceptance in full of the recommendations as set out by the National Safeguarding Board for Children.
- Full cooperation with the HSE and agreement as regards the need for ongoing collaboration with the HSE in refining Child Protection practices.

The HSE in context of the completion of review and the engagement now being provided by the Diocese is of the opinion that a referral to the Commission of Investigation into Clerical Abuse in the Dublin Archdiocese is not warranted.

The HSE will continue to work with the Diocese on the implementation by the Diocese of all the actions agreed and will continue to monitor the position to ensure full compliance in line with National Guidelines.

M. van Aswegen  
Child Care Manager





7. To examine, following a notification from the Minister for Health and Children that a Church in the State may not have established the procedures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Private and Religious Child Sexual Abuse Framework for a Church (November 2005) and any subsequent similar document, the position in that diocese.

8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report submitted to the Minister for Health and Children on 22 October 2005, the position in that diocese.

If you or your officials need further clarification of this case, please do not hesitate to contact me on: 01 662 4070. We look forward to hearing from you.

Yours sincerely

  
Advocacy Director

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September 2005.

4 <sup>th</sup> December 2004	<p>met with Bishop of Cloyne, John Mc Gee. told Bishop Mc Gee that he was sexually abused by a priest in the Diocese when he was a teenager. did not disclose the name of the priest. Bishop Mc Gee said that he could come back to him when he needed to. Bishop Mc Gee gave the two Diocesan Delegates names: Monsignor [redacted] Parish Priest, [redacted], Cork; and Canon [redacted] Parish Priest, [redacted] Cork. asked for counselling and Bishop Mc Gee said he would speak to other Bishops for a referral. This did not happen.</p> <p>Began counselling and the Diocese of Cloyne funded this.</p>
2 <sup>nd</sup> February 2005	
18 <sup>th</sup> May 2005.	<p>met with Canon [redacted]. He disclosed that he was sexually abused by Fr. X for two years from 1982/83. He also gave Canon [redacted] a copy of a letter that he received from this priest, as additional evidence. Canon [redacted] told [redacted] he would speak to the Bishop and come back to him.</p>
2 <sup>nd</sup> June 2005	<p>received a letter from Canon [redacted]</p>
2 <sup>nd</sup> September 2005	<p>Monsignor [redacted] met with [redacted] and he made a statement to him outlining details of the alleged abuse. [redacted] was unsatisfied with this meeting and the manner that the Monsignor handled it. Monsignor [redacted] told him that the statement would be sent to the Cloyne-Limerick Inter-Diocesan Committee and he said the Bishop would advise them. The Committee was to meet in October 2005.</p>
7 <sup>th</sup> September 2005	<p>met with Bishop Mc Gee in Cobh and he was angry with the Bishop the priest was still in Ministry.</p>
29 <sup>th</sup> September 2005	<p>met with Canon [redacted] following a letter he received seeking a meeting. The Canon informed [redacted] that the Bishop had met with Fr. X the previous Thursday and put the allegation to him. Fr. X resigned his position as [redacted] and admitted the allegations to the Bishop and apologised for it. Canon [redacted] asked [redacted] if he wished to pursue the matter with the Garda and [redacted] told him he could not face it at that time. Canon [redacted] asked [redacted] to write and sign a note to that accord for the Inter-Diocesan Advisory Committee. [redacted] was not given time to think about it and Canon [redacted] gave him a piece of paper. [redacted] wrote that he did not wish this to have this matter reported to An Garda Síochána and he signed it.</p>
October 2005	<p>met with Canon [redacted] and he told [redacted] that the Inter-Diocesan Committee met on 4<sup>th</sup> Oct 05 to discuss complaint and had available the written note of September. This Committee was to advise the Bishop.</p>
Late October 2005.	<p>went to see Canon [redacted] after the publication of the Ferns Report publication. Following this [redacted] felt ready to make a statement to the Gardaí. Canon [redacted] said [redacted] that in light of the Ferns Report they were going to connect [redacted] anyway. Canon [redacted]</p>

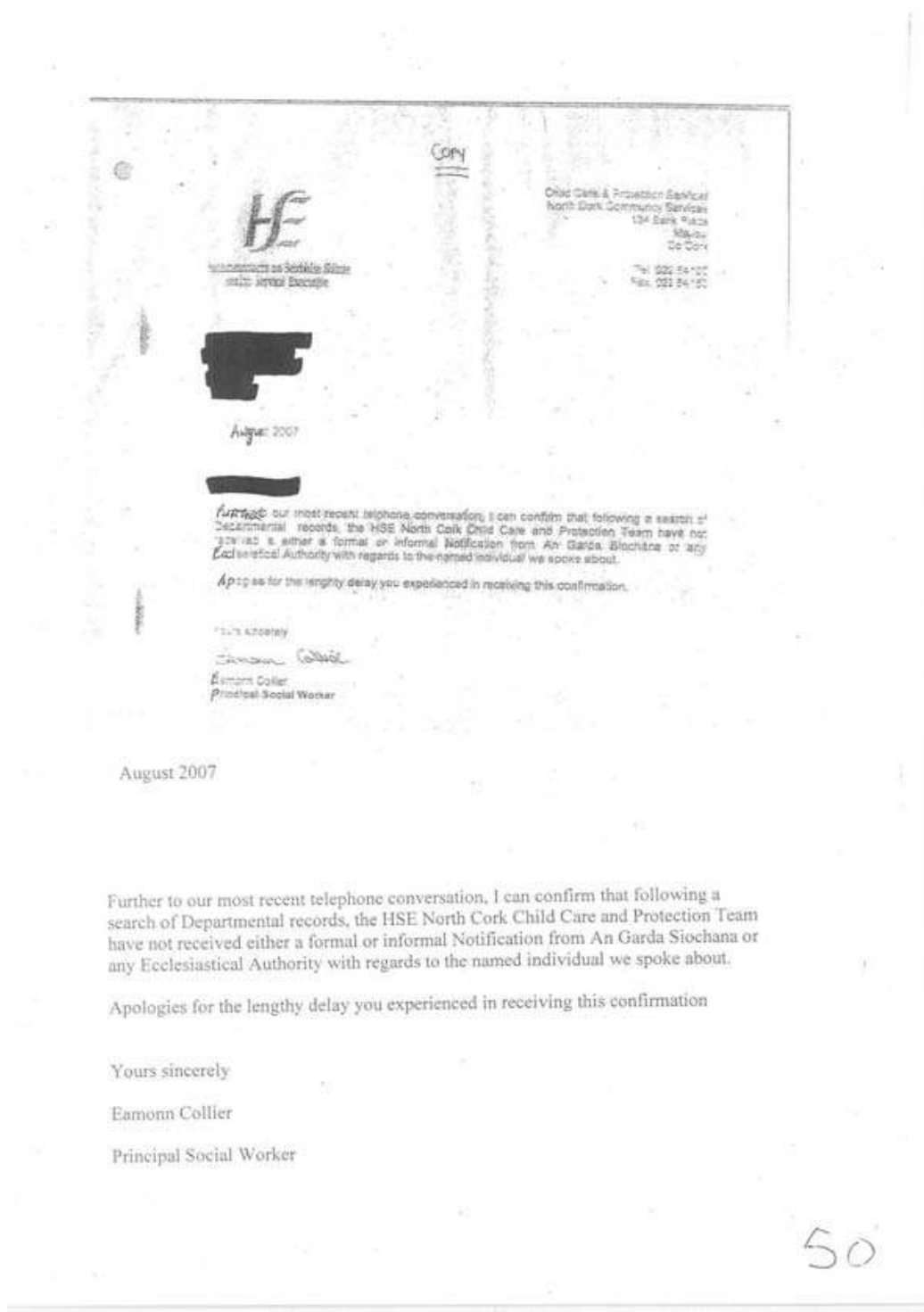
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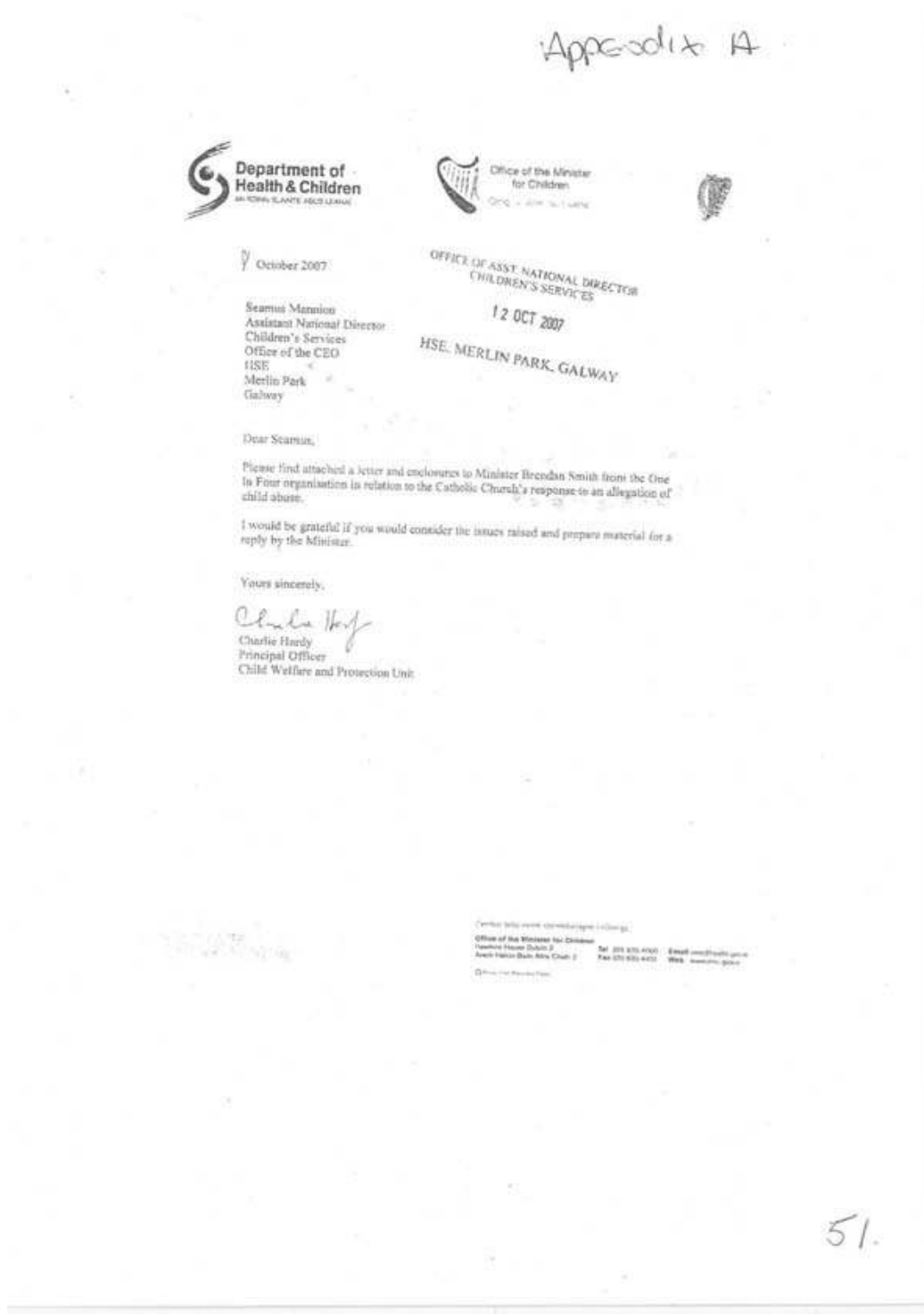
12 <sup>th</sup> November 2005	██████ told ████████ that the Diocese would contact the Gardaí. ████████ received a letter from Monsignor ████████ stating that he would be contacting the Gardaí that week and he gave him contact details of a solicitor.
6 <sup>th</sup> December 2005	██████ telephoned Monsignor ████████ and asked if he had contacted the Gardaí and he said he stopped in a note to Sgt. ████████ but did not give Fr. X's name.
4 <sup>th</sup> December 2005	██████ called Sgt. ████████ and left a message.
9 <sup>th</sup> December 2005	██████ spoke with Sgt. ████████. He told ████████ that a Sergeant ████████ had been assigned to investigate the case. Sgt. ████████ called ████████ and told him that Detective Garda ████████ would be taking his statement. He also told ████████ that he had been in contact with Monsignor ████████ and ████████ who was Fr. X's support person.
21 <sup>st</sup> December 2005	Provisional date booked for the Garda statement but cancelled by ████████.
13 <sup>th</sup> January 2006	██████ made his Garda statement to Det. Garda ████████.
23 <sup>rd</sup> January 2006	Sgt. ████████ met with ████████ and sought additional information. They told ████████ that they had contacted the Bishop's Secretary Fr. ████████ and told him that ████████ had made a statement.
3 <sup>rd</sup> March 2006	Det. Garda ████████ took over the criminal investigation.
11 <sup>th</sup> March 2006	██████ met with Bishop Mc Gee after he sent ████████ a text.
20 <sup>th</sup> March 2006	██████ met with Det. Garda ████████ and he told ████████ that he was finding it difficult to contact Monsignor ████████ as he was not returning calls. ████████ spoke with ████████, Acting Director, Child Protection Office, Conference of Bishops of Ireland. ████████ met with ████████, Child Protection Officer, NCBI and told her of his dissatisfaction with the way in which the Diocese of Cloyne has dealt with the case.
8 <sup>th</sup> May 2006	██████ spoke to Bishop Mc Gee to arrange to meet with his parents. ████████ spoke to Fr. ████████ from Cork, who was studying child protection in Maynooth and ████████ told about his case.
22 <sup>nd</sup> May 2006	Bishop Mc Gee met with ████████ and his parents.
15 <sup>th</sup> September 2006	Det. Garda ████████ called ████████ and told him he had taken a statement from Bishop Mc Gee.
20 <sup>th</sup> September 2006	██████ met with Bishop Mc Gee and tendered his resignation.
17 <sup>th</sup> October 2006	Det. Garda ████████ phoned ████████ and said he had taken a statement from Fr. X.
2 <sup>nd</sup> March 2007	Det. Garda ████████ called ████████ and told him that the DPP did not prefer charges in the case.

48

1 <sup>st</sup> May 2007	██████ was a HSE Social Worker in Malinow called Ana. Gollum. He asked her if the HSE had received a child protection referral from the Clonfert Diocese or An Garda Síochána.
1 <sup>st</sup> August 2007	██████ received a letter from HSE Cork, stating that: "the North Cork Child Care and Protection Team have not received either a formal or informal notification from An Garda Síochána or any other Ecclesiastical Authority with regards to the named individual(s) quoted above."

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Iodáireannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Molin Park  
Galway  
☎ (091) 775 414  
☎ (091) 752 828

Ref: NCC 8/5

18<sup>th</sup> October, 2007

Mr. Jim Breslin  
Assistant National Director PCCC  
Dublin Mid-Leinster  
Millennium Park  
Naas  
Co. Kildare

Dear Jim,

Please find attached correspondence from Mr. Charlie Hardy, Office of the Minister for Children, regarding a case involving an allegation of sexual abuse against a member of the Clergy, for your attention.

Yours sincerely,

Matt Hurley  
Matt Hurley  
On Behalf of Seamus Mannion  
Asst. National Director for Children  
Office of the CEO

*To LHM N.H. Clerk  
Hardy and correspondence  
attached for will see  
that Minister Brendan Smith  
is seeking material which  
would allow him to reply to  
this matter I would be grateful  
if you could have such material  
prepared and submitted to the  
Office at your earliest convenience*

*1. Copy to Seamus Mannion*

*Seamus  
You will see from the  
attached that I have forwarded  
the correspondence you sent to  
me to the relevant local  
Health Office seeking relevant  
information. Since the correspondence  
also raises relevant issues  
regarding the audit of processes  
and possible referral to the  
Dublin Commission I would  
appreciate if you could review  
and advise on how you might  
wish to process any relevant  
issues in this context*  
*LS 08/10*

52.





Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Martin Park  
Galway  
☎ (091) 775 414  
☎ (091) 752 828

Ref: NCC 5/5

16<sup>th</sup> October, 2007

Mr. Charlie Hardy  
Principal Officer  
Child Welfare & Protection Unit  
Department of Health & Children  
Office of the Minister for Children  
Hawkins House  
Dublin 2

Dear Charlie,

I am writing to acknowledge your letter of 8<sup>th</sup> October last, regarding correspondence to Minister Smith from One in Four.

I have forwarded the file to Mr. Jim Breslin, Assistant National Director, for attention and follow-up by the local Child Care Manager.

I trust this is satisfactory.

Yours sincerely,

  
Matt Hurley  
On Behalf of Seamus Mannion  
Asst. National Director for Children  
Office of the CEO

53.

Appendix B

Rachel Fitzgerald

**From:** Mary Moynihan (Administrative Officer) [MaryC.Moynihan@hse.ie] on behalf of Pat Healy (Assistant National Director) [Pat.Healy1@hse.ie]  
**Sent:** 09 May 2008 17:41  
**To:** Mike VanAswegen (Child Care Manager)  
**Subject:** FW: Diocese of Cloyne and response to allegations  
**Importance:** High

Mike,

Please see correspondence re the above from Mr. Ian Elliott. You might review and give me a call on Monday.

Regards,

Pat Healy,  
 Assistant National Director,  
 South,  
 PCCC Directorate  
 021-4923818  
 Please note change of email address to Pat.healy1@hse.ie

**From:** Mary Moynihan (Administrative Officer) **On Behalf Of** Pat Healy (Assistant National Director)  
**Sent:** 09 May 2008 12:05  
**To:** 'ann.doyle@ococ.ie'  
**Subject:** RE: Diocese of Cloyne and response to allegations  
**Importance:** High

Dear Ian,

I rang Ann this morning looking for correspondence which you had promised to send on after Pat met with you on the 17th as we had not received same. I have since received it and thanks very much for that - Ann spoke to me again this morning and confirmed that in fact the email address was incorrect as it included an "e" in my surname and Ann re-sent it a 3rd time today with the correct email address - See below.  
[pat.healy1@hse.ie](mailto:pat.healy1@hse.ie)

I will draw the correspondence to Pat's attention as a matter of urgency.

Regards,

Karen Foley,  
 On behalf of  
 Pat Healy,  
 Assistant National Director,  
 PCCC South,  
 021-4923818

Please note change of mail address to [karenc.foley2@hse.ie](mailto:karenc.foley2@hse.ie)  
 Please note change of email address to [pat.healy1@hse.ie](mailto:pat.healy1@hse.ie)

**From:** [ann.doyle@ococ.ie](mailto:ann.doyle@ococ.ie) [<mailto:ann.doyle@ococ.ie>]  
**Sent:** 09 May 2008 11:01  
**To:** Pat Healy (Assistant National Director)  
**Subject:** FW: Diocese of Cloyne and response to allegations

05/12/2008

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1 MAY 2008

**From:** Ian Elliott  
**Sent:** 09 May 2008 10:56  
**To:** 'pat.healey1@hse.ie'  
**Cc:** Ann Doyle  
**Subject:** FW: Diocese of Cloyne and response to allegations

Dear Pat,

I am resending the email that I sent to you on 17<sup>th</sup> April. I did put the correct address on it. If you need something more from me, please let me know.

Kind regards

Ian

**From:** Ian Elliott  
**Sent:** Thursday, April 17, 2008 2:12 PM  
**To:** pat.healey1@hse.ie  
**Cc:** aidancanavan@hotmail.com  
**Subject:** Diocese of Cloyne and response to allegations

Dear Pat,

I would like to confirm to you the actions taken on receipt of the complaint shared with me by the Department of Health and Children on 15 February 2008. As you know, this complaint had been made by [REDACTED] and concerned how the Diocese had failed to respond appropriately to allegations that he had shared with them, concerning a priest. When I received this information, I made immediate arrangements to visit the Diocese and to speak to the Bishop in the hope that by so doing, it would be possible to resolve the issues raised within the complaint. However, I have not yet been able to do this.

I did visit the Diocese on 20 February and was given access to what I believed, was a copy of the complete file papers. This proved not to be the case and I have not been able to complete to my satisfaction, an assessment of the issues raised by [REDACTED] in his complaint.

The position that I now hold is one of being deeply concerned about some practice in this Diocese. Along with my Chairman, a further visit to the Diocese is planned in a further attempt to raise with individuals there what actions were taken, by whom, and for what reason.

The focus of the National Safeguarding Board for Children within the Church has always been the safety of children. Critical to maintaining that is adherence to best practice in the field of safeguarding children. Full and immediate reporting of allegations when they arise, is an essential part of that process. I will continue to keep you fully briefed on any developments.

Yours sincerely,

Ian Elliott

Chief Executive Officer  
National Safeguarding Board for Children  
Catholic Church in Ireland

05/12/2008

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## Appendix 15

## **HSE Audit Questionnaire for completion by local Ordinaries**

**NAME OF DIOCESE:** \_\_\_\_\_

### **INTRODUCTORY NOTES**

**Please read the following carefully before completing this audit questionnaire, the purpose of which is to determine whether or not the Catholic Church in Ireland is following its own child protection guidelines and policies, and to assess the level of risk to children and minors by priests and deacons with allegations of child sexual abuse made against them.**

**Local Ordinaries are asked to complete this audit questionnaire. (Please note that a separate but similar audit of religious congregations and missionary societies will also be completed by Leaders of Religious Congregations and Missionary Societies). The HSE acknowledges that Local Ordinaries may not have definitive answers to some questions contained in the questionnaire but request that you complete each questionnaire from your records and to the best of your knowledge.**

- 1. Unless otherwise stated, the term priest/deacon refers to priests and/or deacons still living (including those retired) as of midnight on 10<sup>th</sup> July 2009.**
- 2. All allegations of child sexual abuse must be included irrespective of when they occurred unless otherwise stated in the questionnaire.**
- 3. Civil Authorities are defined as the Health Service Executive (formerly the Health Boards) and An Garda Síochána and in Northern Ireland the Health and Social Services Trust and the Police Service of Northern Ireland.**
- 4. Grid 1 on page 2 of this questionnaire refers to allegations of child sexual abuse alleged to have taken place in the Republic of Ireland. Grid 2 on page 3 of this questionnaire refers to allegations of child sexual abuse alleged to have taken place in Northern Ireland. Grid 3 on page 3 refers to allegations of child sexual abuse alleged to have taken place outside of the island of Ireland and its islands, i.e. elsewhere in the world.**
- 5. The term allegation of child sexual abuse is defined as a report or account, either written or verbal of actual or suspected abuse or inappropriate sexual behaviour where there are reasonable grounds for concern\* that a child may have been, or is being sexually abused, or is at risk of abuse (including retrospective disclosure by adults). If you require clarification, please contact your local Child Care Manager.**

\*According to the State's guidelines *Children First*, National Guidelines for the Protection and Welfare of Children, Department of Health and Children:

4.3.2 The following examples would constitute reasonable grounds for concern:

- (i) specific indication from the child that (s)he was abused;
- (ii) an account by a person who saw the child being abused;

- (iii) evidence, such as *an injury or behaviour* which is consistent with abuse and unlikely to be caused another way;
- (iv) an injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- (v) consistent indication, over a period of time, that a child is suffering from emotional or physical neglect.

In addition, see *Children First* 4.3.3 and 4.6.1 below:

- 4.3.3 A suspicion which is not supported by any objective indication of abuse or neglect would not constitute a reasonable suspicion or reasonable grounds for concern.
- 4.6.1 In recent years there have been increasing numbers of disclosures by adults of abuse which took place during their childhood. These revelations often come to light in the context of the adults attending counselling. In these situations it is essential that consideration is given to the current risk to any child who may be in contact with the alleged abuser. If any risk is deemed to exist, the counsellor/health professional should report the allegation to the health board without delay. Investigation of disclosures by adult victims of past abuse frequently uncovers current incidences of abuse and is therefore an effective means of stopping the cycle of abuse.

**PART ONE**

**Q. 1(A) – Grid 1** Please read carefully the introductory notes on page 1 of this audit questionnaire before completing, from your records and to the best of your knowledge, the grid hereunder. This grid refers to allegations of child sexual abuse alleged to have taken place in the Republic of Ireland. It relates to those who at the time the child sexual abuse allegedly occurred were incardinated priests/deacons of the Diocese or priests/deacons (who are still living, including those retired) from other dioceses ‘on loan to’ or resident in the Diocese.

Enter a number in each box of the grid. If zero, enter ‘0’.

NAME OF DIOCESE:							
Status of priest/deacon at the time the child sexual abuse allegedly occurred	Current Status	A(1) Total number of priests/deacons with allegations of child sexual abuse (CSA) made against them	A(2) Number of allegations of CSA for A(1)	B(1) Number of priests/deacons with allegations of CSA brought to the attention of the HSE by the Diocese (or brought to the attention of the Diocese by the HSE)	B(2) Number of allegations of CSA for B(1)	C(1) Number of priests/deacons with allegations of CSA brought to the attention of the Gardaí by the Diocese (or brought to the attention of the Diocese by the Gardaí)	C(2) Number of allegations of CSA for C(1)
<b>Incardinated Priest/Deacon of the Diocese (still living and including those who are retired)</b>	1 Currently ministering in the Diocese	1A(1)					
	2 Currently resident in the Diocese but out of ministry	2A(1)					
	3 Currently ministering outside the Diocese	3A(1)					
	4 Currently out of ministry and not resident in the Diocese	4A(1)					
	5 No longer in the clerical state	5A(1)					
<b>Priest/Deacon from other dioceses ‘on loan to’, or resident in</b>	6 Currently resident and in ministry in the Diocese						
	7 Currently resident in the Diocese but out of ministry						

<b>the Diocese (still living, including those who are retired)</b>	<b>8</b> No longer on loan to the Diocese, or no longer resident in the Diocese						
<b>‘Others’ not covered by any of the above (Q1 (d) affords the opportunity to elaborate)</b>							

**Q.1(b) – Grid 2**

**This grid refers to allegations of child sexual abuse alleged to have taken place in Northern Ireland. It relates to those who at the time the child sexual abuse allegedly occurred were incardinated priests/deacons of the Diocese (who are still living, including those retired).**

Enter a number in each box of the grid. If zero, enter ‘0’.

<b>NI-A(1)</b> Total number of incardinated priests/ deacons with allegations of child sexual abuse (CSA) made against them in Northern Ireland	<b>NI-A(2)</b> Number of allegations of CSA for NI-A(1)	<b>NI-B(1)</b> Number of incardinated priests/ deacons with allegations of CSA brought to the attention of the HSST by the Diocese (or brought to the attention of the Diocese by the HSST)*	<b>NI-B(2)</b> Number of allegations of CSA for NI-B(1)	<b>NI-C(1)</b> Number of incardinated priests/deacons with allegations of CSA brought to the attention of the PSNI by the Diocese (or brought to the attention of the Diocese by the PSNI)*	<b>NI-C(2)</b> Number of allegations of CSA for NI-C(1)

\* Note: While a joint protocol for the sharing of information between the HSST and the PSNI exists, please indicate whether or not you have made contact with the HSST or the PSNI, or both, regarding the allegation.

**Q.1(c) – Grid 3**

**This grid refers to allegations of child sexual abuse alleged to have taken place outside of the island of Ireland and its islands i.e. elsewhere in the world. It relates to**



**those who at the time the child sexual abuse allegedly occurred were incardinated priests/deacons of the Diocese (who are still living, including those retired).**

Enter a number in each box of the grid. If zero, enter '0'.

EW-A(1) Total number of incardinated priests/ deacons with allegations of child sexual abuse (CSA) made against them elsewhere in the world	EW-A(2) Number of allegations of CSA for EW-A(1)	EW-B(1) Number of incardinated priests/ deacons with allegations of CSA brought to the attention of the relevant social services by the Diocese (or brought to the attention of the Diocese by the relevant social services)	EW-B(2) Number of allegations of CSA for EW-B(1)	EW-C(1) Number of incardinated priests/deacons with allegations of CSA brought to the attention of the relevant police authority by the Diocese (or brought to the attention of the Diocese by the relevant police authority)	EW-C(2) Number of allegations of CSA for EW-C(1)

**Q.1** (d) In relation to the foregoing grids, if there is any additional information you wish to provide for clarification purposes, please feel free to do so in the space below.

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**OVERALL TOTALS**

- Q. 2** (a) Please add **the numbers in the shaded boxes 1A(1) to 4A(1)** **inclusive** of Grid 1 on page 2 of this questionnaire and insert the combined total in the box below. (If zero, enter '0').

TOTAL

- (b) Please insert the number **in box 5A(1)** of Grid 1 on page 2 of this questionnaire and insert below. (If zero, enter '0').

TOTAL

**Allegations and Reporting**

- Q. 3** (a) From your records and to the best of your knowledge, have **ALL** allegations of CSA made against diocesan priests and

deacons<sup>1</sup>, incardinated, “on loan to”, or resident in the Diocese, and made known to the Diocese, been reported to the HSE?

Yes ☐ No ☐

(b) If you have answered ‘**NO**’ please give reasons why:

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(c) From your records and to the best of your knowledge, have **ALL** allegations of CSA made against diocesan priests and deacons, incardinated, ‘on loan to’, or resident in the Diocese, and made known to the Diocese, been reported to the Gardaí?

Yes ☐ No ☐

(d) If you have answered ‘**NO**’ please give reasons why:

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(e) From your records, and to the best of your knowledge, please insert in the boxes provided below, the number of

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<sup>1</sup> See Introductory Note 1, page 1.

allegations of CSA made against incardinated priests and deacons\* of the Diocese, and priests/deacons from other dioceses 'on loan to' or resident in the Diocese, which were investigated by either the Gardaí or the HSE and where the Diocese was notified in writing by either authority that no further action would be taken.

HSE

Gardaí

- (f) Please insert below from your records and to the best of your knowledge, the number of incardinated priests and deacons\* of the Diocese (current and former) who have been convicted of child sexual abuse in a criminal court of law. (If zero, enter '0').

- (g) Please insert below from your records and to the best of your knowledge, the number of priests and deacons\* from another diocese who are currently resident in your Diocese and who have been convicted of child sexual abuse in a criminal court of law.

- (h) Are you aware of any former priests or deacons from another diocese who are currently resident in your Diocese and who have been convicted of child sexual abuse in a criminal court of law? Please tick the relevant box.

Yes

☐

No

☐

**Q.4.** (a) Please insert below from your records and to the best of your

knowledge the total number of priests and deacons who were either incardinated in your Diocese, or 'on loan to' your Diocese from other dioceses, or retired, with allegations of CSA made against them, on or after 1<sup>st</sup> January 1996 and who have since died. (If zero, enter '0').

\* See Introductory Note 1, page 1.

**TOTAL**

- (b) From your records and to the best of your knowledge have **ALL** allegations of CSA made against priests and deacons who were either incardinated in your Diocese, or 'on loan to' your Diocese from other dioceses, or retired, with allegations of CSA made against them, on or after 1<sup>st</sup> January 1996 and who have since died, been reported to the HSE?

Yes ☐ No ☐

- (c) If you have answered '**NO**' please give reasons why:

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- (d) From your records and to the best of your knowledge have **ALL** allegations of CSA made against priests and deacons who were either incardinated in your Diocese, or 'on loan to' your Diocese from other dioceses, or retired, with allegations of CSA made against them, on or after 1<sup>st</sup> January 1996 and who have since died, been reported to the Gardaí?

Yes ☐ No ☐

- (e) If you have answered '**NO**' please give reasons why:

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## **PART TWO**

### **POLICY RELATED QUESTIONS**

**Information sought here is to assist the HSE in understanding what measures have been implemented in your Diocese to help prevent child sexual abuse and to promote the safety and welfare of children.**

**Policy related questions**

- Q. 5** (a) What restrictions, if any, may be placed by you on an incardinated priest/Deacon of the Diocese from the time an allegation of child sexual abuse (CSA) is made against him?

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- (b) Describe in what circumstances an incardinated priest/deacon of the Diocese is required to go on administrative leave during the time he is the subject of an investigation of CSA by the civil authorities.

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- (c) When an incardinated priest/deacon of the Diocese has been identified by the civil authorities as being a potential risk to children, is it the practice of the Diocese to notify the civil authorities as to his place of residence and what monitoring arrangements, if any, are put in place?



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**Q. 6** How does the Diocese seek to minimise any potential risk to children by an incardinated priest/deacon of the Diocese convicted of CSA in a criminal court of law?

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**Q. 7** What is the policy in your Diocese with regard to accessing treatment services for an incardinated priest/deacon of the Diocese when it is believed he has sexually abused and/or is deemed to be a risk to children?

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**Q. 8** What is the policy in your Diocese with regard to offering counselling/psychotherapy to victims and/or immediate families of victims of an incardinated priest/deacon of the Diocese who has been convicted of child sexual abuse?

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**Other Observations or Comments**

**Q.9** Are there any other observations or comments you wish to make or to bring to the attention of the Health Service Executive as part of this audit?

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**I confirm that the information supplied in my responses to the questions asked in this audit questionnaire is made from the Diocesan records available to me and to the best of my knowledge is accurate.**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_



**Diocese of:** \_\_\_\_\_

## **Appendix 16**



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

**Assistant National Director – Children Services**  
**Office of the Chief Executive Officer**  
**HSE West**  
**Merlin Park**  
**Galway**

 **(091) 775 414**  
 **(091) 752828**

10<sup>th</sup> July, 2009

**Private & Confidential**

Dear Bishop [],

You will recall that on foot of the Ferns Report, the then Minister for Children and Youth Affairs, Mr. Brian Lenihan TD, wrote on 26<sup>th</sup> October 2005 to the President of the Irish Episcopal Conference informing Cardinal Brady that the Health Service Executive had been charged by the Minister's Office to undertake an audit of the Church's Child Protection Practices in each Diocese and compliance with the Ferns Report recommendations. Subsequently the HSE undertook an audit in compliance with the Minister's request. With your co-operation questionnaires were received, analysed and reported on and a composite report was submitted by the HSE to the Minister in January 2008.

Following a meeting on 24<sup>th</sup> January last between Mr. Barry Andrews TD, Minister for Children and Youth Affairs, and Cardinal Brady and Archbishop Martin, all present agreed to separate the completion of Section 5 of the HSE Audit, from issues of soft information which all accepted presented legal difficulties. At that meeting, it was agreed that a fresh mechanism would be found to enable Bishops to provide the information that had been requested in Section 5 of our original audit. In light of the foregoing, officials from the Office of the Minister for Children and Youth Affairs facilitated a process that led to a revision of the aforementioned section of the audit, which I now enclose for your attention.

I would be very much obliged if you would complete and sign the attached revised audit questionnaire and return it to me, **by registered mail**, at the above address on or before **21<sup>st</sup> August, 2009**.

When the audit questionnaires are completed nationally and the information provided is analysed by local HSE Child Care Managers, a meeting will be convened by designated CCM's with individual Bishops to evaluate responses and clarify any outstanding issues. Subsequently a report will be compiled by the HSE and submitted to the Minister for Children and Youth Affairs.

Thanking you for your attention and cooperation in this matter. In conclusion, please note that a similar questionnaire, with some definitional changes, is also being forwarded to Leaders of Religious Congregations and Missionary Societies for completion by them.

Yours sincerely

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Seamus Mannion

Assistant National Director – Children Services

## **Appendix 17**

**McKnight, Olwyn (Office of National Director, Children and Family Services)**

**From:** Phil Garland <phil.garland@hse.ie>

**Sent:** 30 November 2009 18:55

**To:** Sylva\_Langford@Health.irlgov.ie

**Subject:** For Attention of Minister Andrews

Sylva

I would be grateful if you would bring the following to the attention to Minister Andrews.

The Health Services Executive is conducting the audit of child protection practices within Dioceses and Religious Orders within the Roman Catholic Church in Ireland as requested by the Minister for Children. The audit as planned will be finalised by 22 December 2009 in respect of the Dioceses. It is hoped that the current audit as agreed in respect of Religious Orders may also be completed by that date. In relation to the Dioceses a number have asked to resubmit their questionnaire responses, including the Dublin Archdiocese, and the requests have been assented to. This will, of necessity, entail a delay in the process. In tandem the audit of Religious is progressing but I have to advise that not all questionnaires have as yet, been completed. The returns have been submitted and Child Care Managers who have undertaken the task of engaging with the dioceses are ready to finalise their work and provide me with the information so that I can furnish a report to the Minister by the end of December 2009. However, based on my experience as a Child Care Manager, Director of the Child Protection Service for the Archdiocese of Dublin and now as Assistant National Director for Children and Families Social Services within the Health Services Executive I would recommend that the audit be taken a stage further. I recommend that the following takes place:

That Child Care Managers receive the following information from the relevant Ordinary (Diocesan Bishops and provincials of Religious Orders) – names of complaint and alleged perpetrator in respect of each allegation referenced in the audit return; the name and location as to where the matter was reported to the HSE and An Garda Síochána and the date the report was made.

That the Child Care Manager arrange that each file is checked in the HSE to ensure that the matter has been appropriately dealt with.

That A member of the National Children and Families Social Services team in the HSE liaises with the National Bureau of Criminal Investigation to validate whether the Garda have received the allegations as referenced in the audit.

Pursuant to the information provided by the Church authorities and checked within the HSE and cross-referenced with An Garda Síochána I will be in a position to submit a more detailed and extensive report to the Minister.

I am of the opinion that this proposal to extend the audit to a deeper level will be in the best interests of children as this would validate that all known allegations have been reported to the civil authorities and have been appropriately dealt with. However, the conducting of a more extensive audit will require additional time for my office to provide such an audit. I would anticipate that I would have the audit completed by the end of February 2010.

I would be grateful if you would discuss the matter with the Minister and revert to me. I would also be happy to undertake whatever the Minister requires in this regard.

Best Regards

**Phil Garland**  
**Assistant National Director**  
**Children & Families Social Services**

**Health Services Executive**

## **Appendix 18**



**From:** Sylva\_Langford@Health.irlgov.ie  
**Sent:** 01 December 2009 11:44  
**To:** Sylva\_Langford@Health.irlgov.ie  
**Cc:** Denis O'Sullivan; Phil Garland; Liam\_Cullen@health.gov.ie  
**Subject:** Re: Audit

Phil,

I have spoken to Mr. Harry Casey of the Bishop's Secretariat that the Minister has given his approval to the HSE to extend the time for the Audit into February 2010 so as to enable the HSE to carry out a validation process on the audit information. I explained to him that what was involved was that the HSE would ask the Bishops, in respect of the data they had returned in the audit, for the names of the individuals reported by them to the HSE and Gardai so that the HSE can check against the HSE and Garda files. He reverted to me to say that a letter should be sent to the individual Bishops to this effect. In my view, the HSE is the appropriate agency to write to the Bishops as what is planned is a strengthening of the audit process. Harry Casey pointed out that it would be appropriate to make sure that there was no violation of individual's rights in this process but that this was a matter for the HSE.

Sylva

**Sylva Langford/SLAINTE**  
01/12/2009 08:39  
To "Phil Garland" <phil.garland@hse.ie>, "Denis O'Sullivan"  
<Denis\_O'Sullivan@health.irlgov.ie>  
cc  
Subject  
Re: For Attention of Minister Andrews

Phil,  
I have discussed your proposal below with the Minister.  
He has informed me that he agrees with the proposal and has asked me to let the Bishops' side know of his decision to extend the time for the Audit and the reason why.  
Let me know that you have received this.

Sylva

## Appendix 19



Office of the Assistant National Director  
Children and Family Social Services  
Health Service Executive,  
Room 138, Dr Steevens Hospital ,  
Dublin 8.

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10<sup>th</sup> December 2009.

**PRIVATE & CONFIDENTIAL**

Dear Bishop,

I am writing to you in relation to the audit which is currently being conducted by the Health Services Executive. This letter follows from the letter issued by Mr Seamus Mannion, formerly Assistant National Director, Children's Services in July 2009.

I have recently taken up the role of Assistant National Director, Children & Families Social Services wherein the child care roles of two former Assistant National

Directors (Hugh Kane and Seamus Mannion) have been subsumed into the new brief.

In the letter issued by Mr Mannion the background to the current audit request was articulated. Mr Mannion advised you of the following:

*“You will recall that on foot of the Ferns Report, the then Minister for Children and Youth Affairs, Mr. Brian Lenihan TD, wrote on 26<sup>th</sup> October 2005 to the President of the Irish Episcopal Conference informing Cardinal Brady that the Health Service Executive had been charged by the Minister’s Office to undertake an audit of the Church’s Child Protection Practices in each Diocese and compliance with the Ferns Report recommendations. Subsequently the HSE undertook an audit in compliance with the Minister’s request. With your co-operation questionnaires were received, analysed and reported on and a composite report was submitted by the HSE to the Minister in January 2008.*

*Following a meeting on 24<sup>th</sup> January last between Mr. Barry Andrews TD, Minister for Children and Youth Affairs, and Cardinal Brady and Archbishop Martin, all present agreed to separate the completion of Section 5 of the HSE Audit, from issues of soft information which all accepted presented legal difficulties. At that meeting, it was agreed that a fresh mechanism would be found to enable Bishops to provide the information that had been requested in Section 5 of our original audit. In light of the foregoing, officials from the Office of the Minister for Children and Youth Affairs facilitated a process that led to a revision of the aforementioned section of the audit, which I now enclose for your attention.”*

I have raised with the Minister of Children and Youth affairs the importance of ensuring that the completion of the audit is meaningful and can give clarification as to the degree to which Dioceses are responding appropriately to child protection issues. In order to achieve this there must be verification of the statistical data and an understanding as to how each Diocese intends to ensure that there is a sustainable and robust mechanism for the protection and safeguarding of children. In order to achieve this, I have agreed with the Minister that further information will be requested from each Bishop by the Health Services Executive.

I now request that you submit the following information:

1. *The name of complainant and the person against whom the complaint was made in respect of each allegation referenced in the Audit return.*
2. *The name and location as to where the matter was reported to the Health Service Executive or former Health Board and An Garda Siochana.*
3. *The date the report was made.*

I am aware that some Bishops may already have furnished this information recently to the relevant Child Care Manager.

In addition, I am aware that the publication of the Ryan and Murphy Reports may have encouraged individuals to make complaints to personnel within Dioceses in recent times. In view of this I now request the following:

4. *In consultation with the Child Care Manager with whom you have liaised revise your audit to include all additional allegations known to your Diocese.*

I request that information relating to these requests is submitted to the assigned Child Care Manager (details at bottom of this letter).

This information will facilitate the Health Services Executive in checking its files to ensure that the matter has been referred to the civil authorities in accordance with Children First. In addition, this will assist all parties to ensure that no child may be at current risk. In addition I will share this information with An Garda Síochána for the same purpose.

Furthermore, I am mindful that the request for information which you received in July 2009 was the Section 5 component of the original audit undertaken pursuant to the publication of the Ferns Report. The original completed audit returns related to matters pertaining to policies, procedures and best practice. The establishment of the National Office for the Safeguarding of Children in the Catholic Church (the appointment of the CEO, Ian Elliott in July 2007) and the introduction of new Church guidelines (2009) indicates that the previously submitted return is now out of date and may not reflect current practices.

In view of this I now request that you submit the following information:

5. *Updated submission of the original audit. In order to assist you a copy of the original return submitted by the Ordinary, and an electronic blank copy of the audit may be obtained from my office (request via email to [breda.odowd1@hse.ie](mailto:breda.odowd1@hse.ie) )*

In addition to discussing matters with the Child Care Manager, I would be very much obliged if you would complete and sign the revised general audit and revised Section 5 Audit and return it to me, **by registered mail**, at the above address on or before Friday 8<sup>th</sup> January 2010.

On completion of this process I will compile a report and submit this to the Minister for Children and Youth Affairs.

I would like to thank you for your attention and cooperation in this matter. In conclusion, please note that a similar updated request, will be forwarded to

Leaders of Religious Congregations and Missionary Societies for completion by them.

Yours sincerely



---

**Phil Garland**

**Assistant National Director**

**Children & Families Social Services**



## Appendix 20

## Section 5: matters for clarification by CCM in consultation with Bishop

Please review the tables below, confirm that they are accurate, respond to any queries raised in the 'notes' sections and complete all blank fields.

In **each** case of a delay in reporting to the Gardaí and/or HSE, please provide a reason for that delay.

### Grid 1 - Incardinated Priest/Deacon of the Diocese (still living and/or retired)

Currently ministering in the diocese: *[number]*

Number of allegations of CSA: *[number]*

	Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Diocese in which priest is ministering	Convicted of Child Sexual Abuse (yes/no/don't know)	Reason for delay or not reporting if applicable
1.								



Notes:

Currently resident in the diocese but out of ministry: *[number]*

Number of allegations of CSA: *[number]*

	Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardai notified by diocese	Convicted of Child Sexual Abuse (yes/no/don't know)	Reason for delay or not reporting if applicable
1.							

Notes:

Currently ministering outside the diocese: *[number]*

Number of allegations of CSA: *[number]*

Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Diocese in which priest is ministering	Convicted of Child Sexual Abuse (yes/no/don't know)	Reason for delay or not reporting if applicable
1.							

Notes:

Not resident in the diocese and out of ministry: *[number]*

Number of allegations: *[number]*

Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Diocese in which priest is ministering	Convicted of Child Sexual Abuse (yes/no/don't know)	Reason for delay or not reporting if applicable
1.							

Priests no longer in the clerical state: *[number]*

Number of allegations: *[number]*

	Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Convicted of Child Sexual Abuse (yes/no/don't know)	Reason for delay or not reporting if applicable
1.							

Notes:

**Grid 1 - Incardinated Priests/Deacons of other dioceses resident in the Diocese (still living and/or retired)**

Resident in the diocese and in Ministry: *[number]*

Allegations: *[number]*

Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Convicted of child sexual abuse (y/n/don't know)	Reason for delay or not reporting if applicable
1.						

Notes:

Resident in the diocese but out of Ministry: *[number]*

Allegations: *[number]*

Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Convicted of child sexual abuse (y/n/don't know)	Reason for delay or not reporting if applicable
1.						

Notes:

No longer on loan to or resident in the diocese: *[number]*

Allegations: *[number]*

Priest against whom allegation was made	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Convicted of child sexual abuse (y/n/don't know)	Reason for delay or not reporting if applicable
1.						

**Q4(a) - Deceased priests having allegations of child sexual abuse against them**

Priests that were incardinated in the Diocese or on loan to the Diocese with allegations against them since 1996 and who have since died: *[number]*

Number of allegations: *[number]*

Priest against whom allegation was made (Fr)	Complainant	Date diocese notified	Date HSE notified by diocese	Date Gardaí notified by diocese	Convicted of child sexual abuse (y/n/don't know)	Reason for delay or not reporting if applicable

1.									
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**Q3(f) – (h) - Priests convicted of Child Sexual Abuse in a court of law:**

I confirm that I have completed the tables above insofar as is possible based on the Diocesan records available to me and I further confirm that the information above is, to the best of my knowledge, accurate.

Bishop: \_\_\_\_\_

CCM: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix 21**





## Safeguarding Standards and Criteria

Standard 1 – A written policy on keeping children safe	
<b>Criteria:</b>	
1.1	The Church organisation has a child protection policy that is written in a clear and understandable way.
1.2	The policy is approved and signed by the relevant leadership body of the church organisation (e.g. the Bishop of the diocese or Provincial of a religious congregation).
1.3	The policy states that all church personnel are required to comply with it.
1.4	The policy is reviewed at regular intervals no more than three years apart and is adapted whenever there are significant changes in the organisation or legislation.
1.5	The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays.
1.6	The policy states how those individuals who pose a risk to children are managed.
1.7	The policy clearly describes the Church's understanding and definitions of abuse.
1.8	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.
1.9	The policy should be created at diocese or congregation level. If a separate policy document at parish or other level is necessary this should be consistent with the diocesan or congregational policy and approved by the relevant diocesan or congregational authority before distribution.
Standard 2 – Procedures – how to respond to child protection allegations and suspicions	
<b>Criteria:</b>	
2.1	There are clear child protection procedures in all Church organisations that provide step by step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current)
2.2	The child protection procedures are consistent with legislation on child welfare, civil guidance for child protection and written in a clear and easily understandable way.

2.3	There is designated officer or officers with a clearly defined role and responsibilities for safe guarding children at diocesan and congregational level.
2.4	There is a process for recording incidents, allegations and suspicions and referrals. These will be stored securely so that confidential information is protected and complies with relevant legislation
2.5	There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear time scales for resolving complaints
2.6	There is guidance on confidentiality and information sharing which makes clear that the protection of the child is the most important consideration. The Seal of Confession is absolute.
2.7	The procedures include contact details for local child protection services e.g. (Republic of Ireland) the local health Service Executive and An Garda Síochána: (Northern Ireland) the local health and social services trust and the PSNI
Standard 3 – Preventing Harm to Children	
<b>Criteria - Safe recruitment and vetting:</b>	
3.1	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children
3.2	The safe recruitment and vetting policy is in line with best practice guidance.
3.3	All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded.
<b>Criteria - Codes of Behaviour:</b>	
3.4	The Church organisation provides guidance on appropriate/expected standards of behaviour of, adults towards children
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).
3.6	There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers ('whistle-blowing'), confidentially if necessary.
3.7	There are processes for dealing with children's unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment.

3.8	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views
3.9	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.
<b>Criteria - Operating safe activities for children:</b>	
3.10	There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home.
3.11	When operating projects/activities children are adequately supervised and protected at all times.
3.12	Guidelines exist for appropriate use of information technology (such as mobile phones, email, digital cameras, websites, the Internet) to make sure that children are not put in danger and exposed to abuse and exploitation.
Standard 4 – Training and Education for Keeping Children Safe	
<b>Criteria:</b>	
4.1	All Church personnel who work with children are inducted into the Church's policy and procedures on child protection when they begin working within Church organisations.
4.2	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.
4.3	Training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as designated person.
4.4	Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice.
Standard 5 – Communicating the Church's safeguarding message	
<b>Criteria:</b>	
5.1	The child protection policy is openly displayed and available to everyone.
5.2	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.
5.3	Everyone in the Church organisation knows who the designated person is and how to contact them.

5.4	Church personnel are provided with contact details of local child protection services, such as Health and Social Care Trusts/ Health Service Executive, PSNI, An Garda Síochána, telephone helplines and the designated person.
5.5	Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.
5.6	Church organisations at diocesan and religious order level have an established communications policy which reflects a commitment to transparency and openness.
Standard 6 – Access to advice and support	
<b>Criteria:</b>	
6.1	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.
6.2	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and helplines that can provide information, support and assistance to children and Church personnel.
6.3	There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers.
6.4	Information is provided to those who have experienced abuse on how to seek support.
6.5	Appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children's safety.
Standard 7 – Implementing and monitoring the Standards	
<b>Criteria:</b>	
7.1	There is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed.
7.2	The human or financial resources necessary for implementing the plan are made available,
7.3	Arrangements are in place to monitor compliance with child protection policies and procedures.

7.4	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.
7.5	All incidents, allegations/suspensions of abuse are recorded and stored securely

## Appendix 22



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Children and Family Services  
Health Service Executive  
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**To All Bishops**

**Re Section 5 Audit of Dioceses**

**6th December 2011**

**Dear \*\*\*\*\*,**

Further to my recent correspondence regarding the aforementioned audit can I firstly thank you for the responses made and gratefully received to the draft extract of the audit pertaining to your diocese.

As you are aware the audit process has been a protracted one and various delays have conspired to ensure that the report would indeed portray an historical account of allegation management and present a report in 2012 that would essentially be outdated at time of publication. I acknowledge that many dioceses have made ongoing and continuous efforts to update and improve child welfare processes and procedures. I also note concerns regarding the findings of the audit regarding delays in reporting of allegations and the evaluation of information and I can only assure you that the audit team will address each aspect of your feedback in a fair and impartial manner.

To this end and to compliment the ongoing efforts to improve the safeguarding of children in our community and to ensure the Minister and the public receive an accurate and up to date position concerning child welfare in each diocese can I invite you to supply me with the updated position regarding your diocese identifying developments to cover the period July 2010 to November 30<sup>th</sup> 2011 which will be considered and included in the final report.

While I accept that improvements have been noted and expanded upon these developments and indeed any response to any perceived factual accuracy issue in the report must be verifiable and stand up to the rigorous scrutiny. In your update all supporting



documentation will be required, I ask you to pay particular attention to the conclusions section of the extract and to assist you in this task please find attached a proforma document to be completed and returned to my colleague whose details are listed below, he will also address any query you may have concerning same.

**Mike Corcoran,  
Senior Manager,  
Office of National Director,  
Children & Families,  
HSE Block B,  
Park Gate Business Centre,  
Dublin 8.**

[Michael.corcoran1@hse.ie](mailto:Michael.corcoran1@hse.ie)

**01 8823465 or 087 2154790**

I am anxious to complete this process as expediently as possible and ask that the updated information would be supplied no later than January 20<sup>th</sup>, 2012. It is essential that we meet this timeframe. Thank you for your ongoing co-operation with this process which can only serve to build upon our collective efforts to ensure the protection of all children in our society.

Yours Sincerely,

**Gordon Jeyes,  
National Director**

## Appendix 23

## Standard 1 Policy

### What?

Any organization providing services to children under the age of 18 should have a child protection policy. This is statement of intent that demonstrates a commitment to safeguard children involve in activities, from harm.

### Why?

A child protection policy makes clear to all that what is required in relation to the protection of children and young people. It helps to create a safe and positive environment for children and to show that the organization is taking its duty of care seriously.

### Criteria

Child Protection Policy	In Place	Proposed	Evidence	Not in Place
1.1 The organization has a child protection policy				
1.2 The policy is written in a clear and easily understood format for staff, volunteers				

,children and parents					
1.3 The policy is publicized, promoted and distributed to relevant audiences					
1.4 The policy is approved and endorsed by the relevant management body (board of trustees/board of management)					
1.5 The policy is mandatory for staff and volunteers					
1.6 The policy is reviewed every three years or whenever there is a major change in the organization or in relevant legislation or guidance.					

### Ways of Providing Evidence

- A copy of the child protection policy
- Circulation list to show distribution
- Examples of ways in which the policy was promoted
- A signed statement of approval of policy or excerpt from minutes of relevant meeting to show approval
- Written evidence of process and timetable for review

**Action required:**

## Standard 2 Procedures and Systems

### What?

Procedures provide clear step-by-step guidance on what to do in different circumstances. They clarify roles and responsibilities and lines of communication. Systems of recording information and for dealing with complaints are also needed to ensure implementation and compliance.

### Why?

Procedures help to ensure a prompt response to concerns about a child's safety or welfare. They also help an organisation to comply with and implement legislation and guidance.

### Criteria

Procedures and Systems	In Place	Proposed	Evidence	Not in Place
2.1 There are clear and unambiguous procedures in place in respect of child protection, which provide step by step guidance on what action to take if there				

are concerns about a child's safety or welfare					
2.2 The child protection procedures are available to all (including children and their parents/carers) and actively promoted on joining the organization. Consideration is given to language, different ways of communicating and ease of use.					
2.3 The child protection procedures are consistent with Children First and there is an awareness of local HSE child protection arrangements and contacts.					
2.4 There is a designated person with a clearly defined role and responsibilities in relation to child protection.					
2.5 There is a process for recording incidents,					

concerns and referrals and storing these securely in compliance with relevant legislation					
2.6 There is a process for dealing with complaints by parents/carers and by young people about unacceptable and/or abusive behaviour towards children, with clear timescales for resolving complaints...					
2.7 There is guidance on confidentiality and information sharing which clearly states that the protection of the child is the most important consideration.					

### Ways of providing evidence



- A copy of the child protection procedures
- A flow chart/process map
- The name and responsibilities of the designated person
- An example of recording forms

**Action required:**

### Standard 3 Prevention

#### What?

Measures to help minimize the possibility of children and young people being abused by those in a position of trust. Codes of practice describe acceptable standards of behaviour and promote good practice.

#### Why?

Some people who work in or who seek to work in organisations that provide activities for children in a paid or voluntary capacity pose a risk to children and young people. It is possible to minimize the risks and to prevent abuse by putting safeguards in place. Children's activities should be carried out in safe, positive and encouraging atmosphere. Standards of behaviour for all set a clear benchmark of what is acceptable. They can help minimize opportunities for abuse and help to prevent unfounded allegations.

Prevention	In Place	Proposed	Evidence	Not in Place
3.1 There are rigorous policies and procedures for recruiting staff and volunteers who have contact				

with children and for assessing their suitability to work with children					
3.2 All those who have significant contact with children are subject to safeguarding checks, as required by legislation and guidance and these are properly recorded					
3.3 All those within sufficient contact to be vetted by An Garda Síochána to complete a self-declaration about previous convictions or disciplinary action in relation to inappropriate behaviour towards children or vulnerable adults.					
3.4 There are well-publicised ways in which staff and volunteers can raise concerns, confidentially if necessary, about					

unacceptable behaviour by other staff and volunteers. These include external contacts.				
3.5 There are well-publicised ways in which children can raise concerns, confidentially if necessary, about unacceptable behaviour by other children. These include external contacts.				
3.6 An assessment of risk to children of any activities, and the environment in which they take place, is made prior to commencement, and any actions taken to minimize any risks.				
3.7 A safeguarding plan and guidance are in place in relation to transporting children or taking them away on visits or trips.				

3.8 There is a well publicised code of behaviour to which all staff and volunteers comply					
3.9 The organisation provides guidance on appropriate/expected standards of behaviour of adults towards children and young people including those adults responsible for children in residential care.					
3.10 there is guidance on expected and acceptable behaviour by children towards other children					
3.11 There are processes for dealing with behaviour that is unacceptable.					
3.12 All disciplinary measures are non-violent and do not involve humiliating children and					

young people					
3.13 Managers and senior staff promote a culture that ensures children are listened to and respected as individuals					
3.14 The consequences of breaching the code are clear and linked to organisational disciplinary and grievance procedures					

Ways of providing evidence

- A copy of the recruitment policy and procedure
- Examples of application, reference and declaration forms
- A copy of ‘whistle blowing policy and procedure’ and publicity about this
- An example of child welfare plan for transporting children or taking them on trips

- Access to An Garda Síochána Vetting Scheme
- A copy of the codes of conduct for adult-child behaviour and for child-child behaviour
- Guidance on physical contact
- Recorded evidence of all disciplinary and grievance action

**Action required**

## Standard 4 Education and Training

### What?

Opportunities to develop and maintain the necessary skills and understanding o to adequately safeguard children

### Why?

Everyone in contact with children has a role to play in their protection. They can only do so confidently and effectively if they are aware and have the necessary understanding and skills. Organisations providing services for children have a responsibility to provide training and development opportunities for staff and volunteers.

### Criteria

Education and Training	In Place	Proposed	Evidence	Not in place
4.1 There is an induction process for all staff and volunteers that includes familiarization with the child protection policy and				



procedures					
5.2 All staff and volunteers are provided with opportunities to learn about how to recognize and respond to concerns about child abuse					
4.3 A staff development programme is in place					
4.4 Staff and volunteers who have special responsibilities in relation to safeguarding children have training to enable them to develop the necessary skills and knowledge, and have regular opportunities to update their knowledge and understanding					
4.5 training is provided to those responsible for dealing with complaints and disciplinary processes in relation to child abuse and					

inappropriate behaviour towards children and young people.				
4.6 Training and written guidance on safe recruitment practice is provided for those responsible for recruiting and selecting staff and volunteers.				

**Ways of providing evidence**

- A copy of training plans and/or programmes
- Records of course attendance
- Induction documentation/guidance
- Details of take up and use of distance learning materials
- Course evaluations

**Action required**

## Standard 5 Communication

### What?

Ways of informing, consulting and listening to all relevant parties about how children involved in the organisation are to be safeguarded.

### Why?

Policies and procedures are only effective if adults and children are aware of them, have some ownership of them and have the opportunity to express their views on how they are working.

### Criteria

Communication	In place	Proposed	Evidence	Not in Place
5.1 Information about the organisation's commitment to safeguard children and young people is openly displayed and available to all.				

5.2 Children and young people are made are of their right to be safe from abuse				
5.3 Children and young people are actively involved in drawing up procedures or protocols; planning of services and evaluation of activities.				
5.4 Information for young people and for parents is made available about where to go for help in relation to child abuse.				
5.5 Information provided is in a format and language that can be easily understood by all service users.				
5.6 Everyone in the organisation knows who the designated person for child protection is and how to				

contact them					
5.7 Contact details for the local HSE office; An Garda Siochana; medical help and the ISPCC Child Protection Helpline are readily available					
5.8 Steps are taken to seek user's views on policies and procedures and how they are working.					

**Ways of providing evidence.**

- Information leaflets are provided for children and their parents or carers in an appropriate range of languages and formats
- Examples of information products are prominently displayed
- Processes for young peoples views to be heard and acted upon are publicised

**Action required:**

## Standard 6 Access to advice and support

### What?

Arrangements are made to provide essential information and support to those responsible for safeguarding children. Children and young people who are being abused are assisted to get help.

### Why?

Child abuse is distressing and can be difficult to deal with. Organisations have a duty to ensure advice and supports are in place to help people to play their part in protecting children. Children need someone to turn to when they are being abused. Often they do not know where to turn to for help and usually find it difficult to talk.

### Criteria

Access to advice and support	In place	Proposed	Evidence	Not in place
6.1 Children and young people are provided with information on where to go for help and advice in				

relation to abuse, harassment and bullying, or significant difficulties at home.				
6.2 Designated child protection staff have access to specialist advice, training, support and information				
6.3 Contacts are established with key statutory child protection agencies.				
6.4 There are arrangements for providing regular supervision and support to staff and volunteers particularly during and following an incident or allegations of abuse or a complaint.				

### **Ways of providing evidence**

- Copies of information for children about sources of support are prominently displayed.
- Information about training, advice and support for staff and volunteers
- Lists of contacts for specialist advice and information

### **Action required**



## Standard 7 Implementation, monitoring and evaluation

### What?

Action taken to ensure the organisation's intentions in relation to safeguarding children are happening and to monitor and evaluate their effectiveness.

### Why?

Policies, procedures and plans have to be implemented across and in all parts of the organisation. Checks are needed to ensure this is happening consistently. The views of those involved inside and outside the organisation, including children, parents and carers, can help to improve the effectiveness of any actions taken.

### Criteria

Implementation, monitoring and evaluation	In Place	Proposed	Evidence	Not in place
7.1 there is a written plan showing what steps will be taken to safeguard children,				

who is responsible for what actions and when these will be completed.					
7.2 The resources essential for implementing the plan are made available.					
7.3 Policies and practices are reviewed at stated intervals, ideally at least every three years, and revised in the light of changing needs, changes in legislation and guidance and organisational experience					
7.4 Processes/mechanisms are in place to consult children and young people and parents as part of the review of safeguarding policies and procedures.					
7.5 All incidents, allegations of abuse and complaints are recorded and monitored.					

7.6 Arrangements are in place to monitor compliance with child protection policy and procedures and with recruitment and selection policy and procedures.				
7.7 Concrete plans are in place to evaluate the effectiveness of the safeguarding measures.				

**Ways of providing evidence.**

- A copy of the safeguarding/child protection plan
- Date planned for review indicating who is responsible to initiate this
- Anonymised summary of the number of incidents of concern and the number of complaints
- Anonymised summary of feedback consultation with children and young people parents and carers.

**Action required**

## **Appendix 24**

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The Convention on the Rights of the Child (UNCRC 1989)

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Non-Fatal Offences Against the Person Act 1997

The Protection for Persons Reporting Child Abuse Act 1989

The Sex Offenders Act, 2001

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[www.catholicbishops.ie](http://www.catholicbishops.ie)

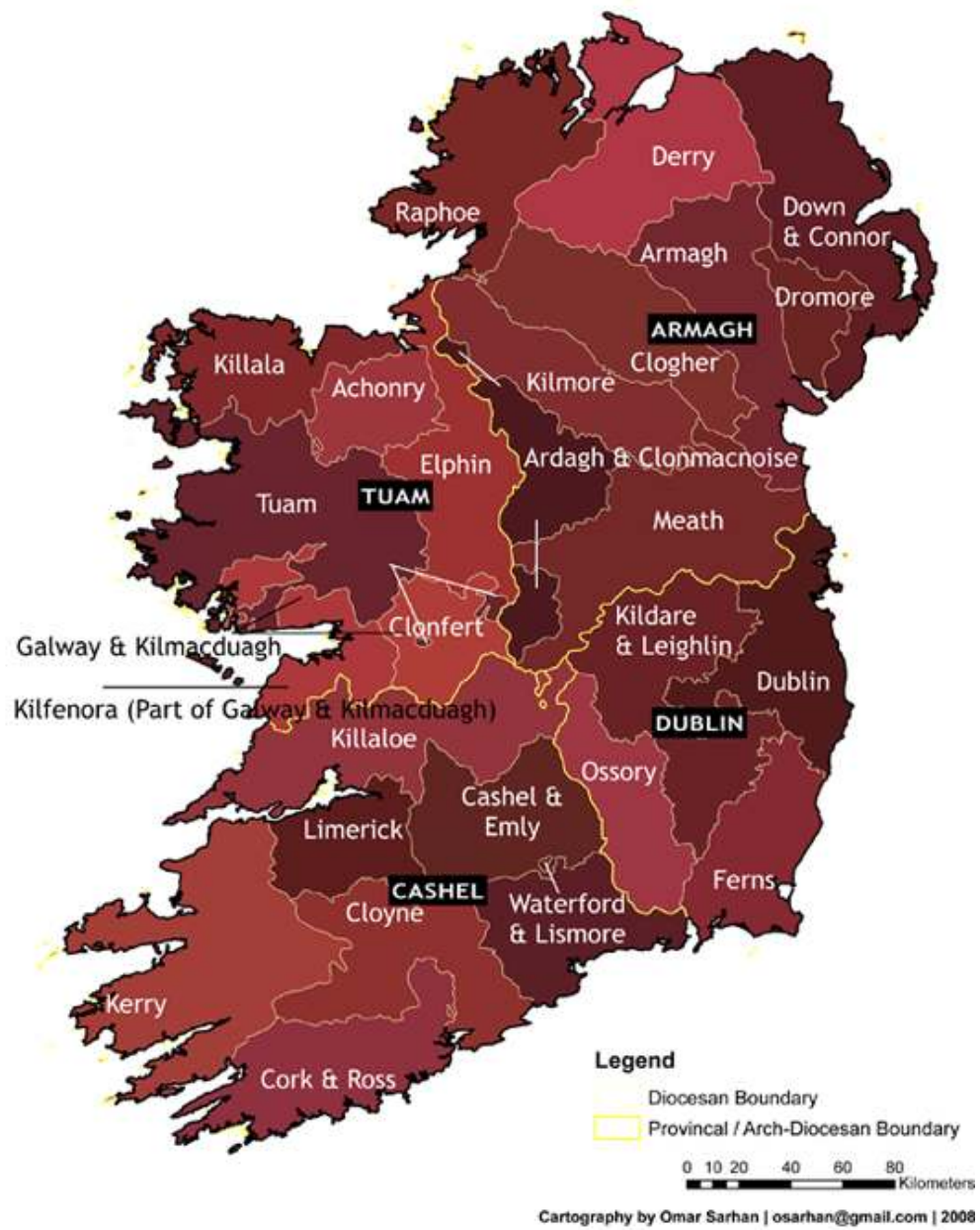
[www.csasprocedures.uk.net](http://www.csasprocedures.uk.net)

[www.csas.uk.net](http://www.csas.uk.net)

## **Appendix 25**



## Map of Catholic Church Dioceses



## Appendix 26

## Glossary

Allegation(s): allegations of child sexual abuse.

Declaration forms: forms completed by personnel declaring any previous convictions.

Framework period: the period during which the Framework document was operational from the 1<sup>st</sup> January 1996 to the 7<sup>th</sup> December 2005.

Incardinated: refers to a priest being the subject of a superior such as a diocesan bishop or superior of religious order.

Ministry status: refers to whether a priest is 'in ministry', 'out of ministry' or 'no longer in the clerical state'. A priest that is on administrative leave is deemed to be 'out of ministry'. A priest that is on restricted ministry is deemed to be 'in ministry'. Unless otherwise stated, the term 'ministry status' as used in this report refers to the ministry status of a priest at the time the diocesan audit returns were made to the HSE and not at the time the incident of child sexual abuse allegedly occurred.

Ordinary/Ordinaries: collective term for diocesan bishops and provincials or superiors of religious orders, congregations and missionary societies

Our Children, Our Church period: the period during which Our Children, Our Church was operational, from the 8<sup>th</sup> December 2005 to the 23<sup>rd</sup> February 2009 inclusive.

Reportable allegations: in the context of this report, this refers to allegations that the diocese should have reported to the civil authorities. This refers to all allegations of child sexual abuse other than those notified to the diocese by either civil authority.

Safeguarding period: Safeguarding is dated September 2008, however the NBSCCC advises that the date on which Safeguarding became operational was the 24<sup>th</sup> February 2009 and the Safeguarding period refers to the 24<sup>th</sup> February 2009 to the end of the period covered by this report, 31<sup>st</sup> July 2010.